



City of Duluth
Planning Division

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MEMORANDUM

DATE: January 8, 2014
TO: Planning Commissioners
FROM: Steven Robertson, Senior Planner
SUBJECT: Additional Text Changes to the UDC

The Planning Division is recommending several text changes to the UDC. If the Planning Commission recommends approval, these changes will go forward, along with the changes requested from the Department of Natural Resources, to the City Council.

There was a public information meeting on December 2nd for citizen comment, and there was a public hearing at the December 10th Planning Commission meeting. The January 14, 2014 meeting also has been posted and noticed to the public as a public hearing.

Please note that City Council approved changes to the UDC related to adaptive reuse of historic structures and giving the Heritage Preservation Commission the ability to nominate properties for local landmark designation in December 2013.

Listed below is a summary of the text changes being proposed by the Planning Division. :

Article 2

- Label images to more clearly identify different form district building types
- Clarify primary streets for the Higher Education Overlay District.

Article 3

- Remove and rewrite the use table legend (the current legend is blocky and consumes too much of the table).
- Add language in the use table to more clearly indicate when a Planning Commission Review may be required (in the past some citizens have confused staff "Plan Review" with "Planning Commission Review").
- Add language in the use table to more clearly indicate when additional standards from the Higher Education Overlay District may be required.
- Add multi family as permitted use in R-P.
- Add large day care facility as permitted use in R-P
- Add veterinarian or animal clinic as a permitted use in the F-1, F-3, and F-6 zones.
- Remove University and College, Bank, Personal Service and Repair Larger, and Parking structure, removed from R-P (currently listed as Interim Uses)
- Add building types allowed in form districts to the use table (for easier citizen access)

Article 4

- Clarify where zoning encroachments are allowed as shown on table 50-21.3.1. Also clean up language related to exception to building height limits (religious assembly or ornamental spires and towers)
- Move language that better defines form district building types to more appropriate location. Add clarifying sentence to Iconic Buildings.
- Add language to better explain how to calculate height in form districts (this language comes from Land Use Supervisor Interpretations 13-001 and 13-002).
- Reduce minimum building to zone for Main Street I and Corridor Building I to 65 (from 85% and 65% respectively).
- Add "double side aisle parking" to Corridor Building I and Cottage Commercial Building I (currently allowed rear or single side aisle parking).
- Remove ground and upper story floor to ceiling restrictions for all form district building types.
- Reduce street façade entrances from 1 per 75 feet to 1 per 50 feet for Main Street Building I.
- Add "side" to allowed loading facility location for Corridor Building I (currently only allowed in rear).
- Reduce street façade entrances from 1 per 75 feet to 1 per 50 feet for Corridor Building I.
- Amend the parking calculation on table 50-24.1 as follows: 1) clarify in that the base requirement may be modified to 30% less or 50% more, 2) add uses that were overlooked from 50-19 (bus or rail transit station, convention and event center, data center, filling station, grocery store, personal service or repair, preschool, and vacation dwelling unit, 3) change name of "automobile filling station" to "filling station" and "personal service or repair not listed" to "personal service or repair" to match 50-19, 4) eliminate distinction between restaurant with drive through and restaurant that doesn't have drive-through, and 5) change calculation to a per 1,000 square feet where possible/appropriate.
- Clarify where parking is allowed on a lot on table 50-24.3
- Add additional parking option (75 degrees) and reduce minimum required width of parking aisle (from 25 feet for two-way to 24 feet) on table 50-24.7. Added clarification that parking and driveway entrances must meet design standards of the City Engineer.
- Add clarification for size limitation on the size of general, non-commercial signs (note that prior to the sign amendments last year, the maximum size was limited to 6 or 8 square feet)
- Land Use Supervisor given authority to approve alternative design standards for plats when relating to road frontage (currently is listed as city engineer)

Article 5

- Amend the summary table to require a sign notice when doing a quick plat (currently no public notice is required) and clarify when planning review is needed.
- Minor adjustment to powers of Land Use Supervisor to administratively approve 1 extra parking space beyond the maximum allowed.
- All final subdivision plats to be recorded 180 days after approval (instead of 90).
- Amend the language for quick plats and registered land surveys.
- Included language that all property transfer requires City review for conformance to applicable ordinances (some cities, such as Proctor, have adopted this in order to better regulate subdivision of land).
- Change the limit for when a non-conforming building cannot be rebuilt without meeting standards (currently it is 50%....propose raising it to 60%, which is similar to some state building code rules and other areas of the city code). Note, this would only apply to non-conforming structures as they relate to zoning...we would still leave the limit at 50% for structures that are non-conforming due to floodplain issues (required by the state/FEMA).

50-16.2 Form District 1 (F-1) Low-Rise Neighborhood Shopping

A. Purpose

The F-1 District consists of only one building type, Main Street Building I. This district is meant to be mapped within the East Superior Street study area (Lakeside/Lester Park) along the commercial nodes that take the form of traditional mixed use development. Main Street Building I has a build-to zone of between 0 and 15 ft., that allows the building to either be built adjacent to the sidewalk or set back further on the lot to match its surrounding residential context. This building type also requires a high amount of transparency on the ground floor. Permitted and special uses are shown in Table 50-19.8

	Form Districts								
	F-1	F-2	F-3	F-4	F-5	F-6	F-7	F-8	F-9
Main Street Building I	•	•							
Main Street Building II			•	•	•	•			
Main Street Building III							•	•	
Corridor Building I		•							
Corridor Building II				•	•				
Lakefront Corridor									•
Corridor Building III								•	
Cottage Commercial I		•				•			
Cottage Commercial II				•					
Iconic Building		•		•	•			•	

B. Example

F-1 Example Building Forms



Example of Main Street I



Example of a Main Street I

C. Illustration

See Section 50-22 for illustrations of building types permitted in the F-1 district.

50-16.3 Form District 2 (F-2) Low-Rise Neighborhood Mix

A. Purpose

The F-2 District permits Main Street Building I, Corridor Building I, Cottage Commercial Building I and the Iconic Building. This district was designed for both the East Superior Street (Lakeside/Lester Park) and London Road (12th to 21st Avenues East) study areas, and is meant to serve as a mixed use, neighborhood-scale commercial district. Corridor Building I is better suited for office or residential (apartment) uses. Due to its residential character, Cottage Commercial I is well suited to commercial uses that may occur adjacent to a residential area. Permitted and special uses are shown in Table 50-19.8.

Building Types	Form Districts								
	F-1	F-2	F-3	F-4	F-5	F-6	F-7	F-8	F-9
Main Street Building I	•	•							
Main Street Building II			•	•	•	•			
Main Street Building III							•	•	
Corridor Building I		•							
Corridor Building II				•	•				
Lakefront Corridor									•
Corridor Building III								•	
Cottage Commercial I		•				•			
Cottage Commercial II				•					
Iconic Building		•		•	•			•	

B. Example

F-2 Example Building Forms



Example of Corridor Building I



Example of Cottage Commercial I

C. Illustration

See Section 50-22 for illustrations of building types permitted in the F-2 district.

50-16.4 Form District 3 (F-3) Mid-Rise Community Shopping

A. Purpose

Several pockets within the West Duluth (Grand Avenue and Central Avenue), and Canal Park study areas contain older mixed use buildings, with retail or office uses on the ground floor and office or residential uses on the upper floors. F-3: Main Street Building II was created to preserve this style of development and provide standards for future infill development to emulate the style as well. Main Street Building II has a small build-to zone, requiring the building to be constructed fairly close to the front property line. Permitted and special uses are shown in Table 50-19.8.

		Form Districts								
		F-1	F-2	F-3	F-4	F-5	F-6	F-7	F-8	F-9
Building Types	Main Street Building I	•	•							
	Main Street Building II			•	•	•				
	Main Street Building III							•	•	
	Corridor Building I		•							
	Corridor Building II				•	•				
	Lakefront Corridor									•
	Corridor Building III								•	
	Cottage Commercial I		•				•			
	Cottage Commercial II				•					
	Iconic Building		•		•	•			•	

B. Example

F-3 Example Building Forms



Example of Main Street Building II



Example of Main Street Building II

C. Illustration

See Section 50-22 for illustrations of building types permitted in the F-3 district.

50-16.5 Form District 4 (F-4) Mid-Rise Community Mix

A. Purpose

Portions of the London Road and West Duluth (Grand Avenue and Central Avenue) study areas either contain auto-oriented development or a mixture of different building types. The F-4 District was created for those areas that are not strictly comprised of mixed use buildings. These areas are often transitional in nature, as the study area switches from commercial to residential. The integration of Corridor Building II and Cottage Commercial II will assist in stepping down the intensity as the district approaches residential neighborhoods. Permitted and special uses are shown in Table 50-19.8.

		Form Districts								
		F-1	F-2	F-3	F-4	F-5	F-6	F-7	F-8	F-9
Building Types	Main Street Building I	•	•							
	Main Street Building II			•	•	•	•			
	Main Street Building III							•	•	
	Corridor Building I		•							
	Corridor Building II				•	•				
	Lakefront Corridor									•
	Corridor Building III								•	
	Cottage Commercial I		•				•			
	Cottage Commercial II				•					
	Iconic Building		•		•	•			•	

B. Example

F-4 Example Building Forms



Example of Corridor Building II



Example of Cottage Commercial III

C. Illustration

See Section 50-22 for illustrations of building types permitted in the F-4 district.

50-16.6 Form District 5 (F-5) Mid-Rise Community Shopping and Office

A. Purpose

The F-5 District is applied to both the West Superior Street study area (Lincoln Park) and the transitional areas surrounding Downtown, including Canal Park and Central Hillside (2nd Street from 6th Ave. West to 3rd Ave. East). These areas consist of a combination of traditional mixed use buildings and office buildings, which conform to the style of Main Street Building II and Corridor Building II. Permitted and special uses are shown in Table 50-19.8.

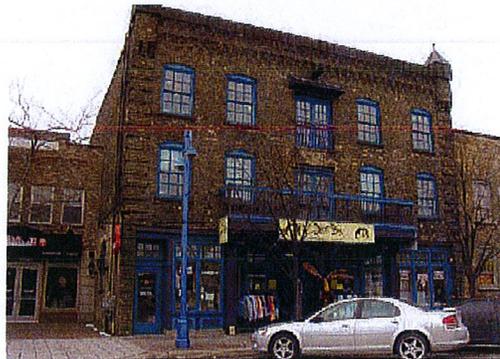
		Form Districts								
		F-1	F-2	F-3	F-4	F-5	F-6	F-7	F-8	F-9
Building Types	Main Street Building I	•	•							
	Main Street Building II			•	•	•	•			
	Main Street Building III							•	•	
	Corridor Building I		•							
	Corridor Building II				•	•				
	Lakefront Corridor									•
	Corridor Building III								•	
	Cottage Commercial I		•					•		
	Cottage Commercial II				•					
	Iconic Building		•		•	•				•

B. Example

F-5 Example Building Forms



Example of Corridor Building II



Example of Main Street Building II

C. Illustration

See Section 50-22 for illustrations of building types permitted in the F-5 district.

50-16.7 Form District 6 (F-6) Mid-Rise Neighborhood Shopping

A. Purpose

This district was created to respond to the commercial nodes present in the Central Hillside neighborhood (4th St. from Mesaba Ave. to 3rd Ave. East). These nodes are separated by residential developments, which were not included in the study area. Main Street Building II and Cottage Commercial Building I provide flexibility in the style of commercial building, with the Cottage Commercial building type especially applicable when it's located adjacent to residential development. Permitted and special uses are shown in Table 50-19.8.

	Form Districts								
	F-1	F-2	F-3	F-4	F-5	F-6	F-7	F-8	F-9
Main Street Building I	•	•							
Main Street Building II			•	•	•	•			
Main Street Building III							•	•	
Corridor Building I		•							
Corridor Building II				•	•				
Lakefront Corridor									•
Corridor Building III								•	
Cottage Commercial I		•				•			
Cottage Commercial II				•					
Iconic Building		•		•	•			•	

B. Example

F-6 Example Building Forms



Example of Cottage Commercial I



Example of Main Street Building II

C. Illustration

See Section 50-22 for illustrations of building types permitted in the F-6 district.

50-16.8 Form District 7 (F-7) Downtown Shopping

A. Purpose

To preserve the historic mixed use core of Downtown, F-7 was created to be applied in specific areas along Superior Street. This district permits only Main Street Building III, which seeks to codify the existing urban structure of the heart of Downtown. The building type requires a storefront on the ground floor and that the building be located adjacent to the sidewalk. The F-7 and F-8 districts also permit the highest intensity development, with a maximum height along Superior Street of 15 stories. Permitted and special uses are shown in Table 50-19.8.

	Form Districts								
	F-1	F-2	F-3	F-4	F-5	F-6	F-7	F-8	F-9
Main Street Building I	•	•							
Main Street Building II			•	•	•	•			
Main Street Building III							•	•	
Corridor Building I		•							
Corridor Building II				•	•				
Lakefront Corridor									•
Corridor Building III								•	
Cottage Commercial I		•				•			
Cottage Commercial II			•						
Iconic Building		•	•	•				•	

B. Example

F-7 Example Building Forms



Example of Main Street Building III



Example of Main Street Building III

C. Illustration

See Section 50-22 for illustrations of building types permitted in the F-7 district.

50-16.9 Form District 8 (F-8) Downtown Mix

A. Purpose

F-8 applies to other Downtown areas not included in the F-7 district. The district provides slightly more flexibility in building form than does F-7, as it permits both Main Street Building III and Corridor Building III for office and residential uses. Permitted and special uses are shown in Table 50-19.8.

	Form Districts								
	F-1	F-2	F-3	F-4	F-5	F-6	F-7	F-8	F-9
Main Street Building I	•	•							
Main Street Building II			•	•	•	•			
Main Street Building III							•	•	
Corridor Building I		•							
Corridor Building II				•	•				
Lakefront Corridor									•
Corridor Building III								•	
Cottage Commercial I		•				•			
Cottage Commercial II				•					
Iconic Building		•		•	•			•	

B. Example

F-8 Example Building Forms



Example of Main Street Building III



Example of Corridor Building III

C. Illustration

See Section 50-22 for illustrations of building types permitted in the F-8 district.

50-16.10 Form District 9 (F-9) Canal Park Lakefront

A. Purpose

F-9 applies specifically to the east side of Canal Park Drive, addressing the parcels currently occupied by hotels. This district is unique in that the parcels are deep and front both Lake Superior and Canal Park Drive. The Lakefront Corridor Building was developed specifically for these locations, requiring frontage on both sides with enough depth to nestle parking in between the buildings. Views through these parcels to the lake are also addressed with view corridors. Permitted and special uses are shown in Table 50-19.8.

		Form Districts								
		F-1	F-2	F-3	F-4	F-5	F-6	F-7	F-8	F-9
Building Types	Main Street Building I	•	•							
	Main Street Building II			•	•	•	•			
	Main Street Building III							•	•	
	Corridor Building I		•							
	Corridor Building II				•	•				
	Lakefront Corridor									•
	Corridor Building III								•	
	Cottage Commercial I		•				•			
	Cottage Commercial II				•					
	Iconic Building		•		•	•			•	

B. Example

F-9 Example Building Forms



Example of Lakefront Corridor



Example of Lakefront Corridor

C. Illustration

See Section 50-22 for illustrations of building types permitted in the F-9 district.

2. Residential
 - (a) Required resident parking spaces shall be provided at the ratio of 0.7 space per bedroom, with a minimum of one space per dwelling unit.
 - (b) Visitor parking spaces shall be provided at the rate of 15% of required resident parking spaces.
 - (c) At least one bicycle or motorized scooter parking space per five parking spaces shall be provided, which shall not be located in any required yard or between the principal dwelling and the street.
 - (d) A development that provides an enhanced shelter with space dedicated solely for bicycle or motorized scooter parking shall be granted a reduction in the off-street parking requirement of 5% if the shelter complies with the following standards:
 - The enhanced shelter shall not be located in any required yard setback.
 - The enhanced shelter shall not be located between the principal building and a public street.
 - The enhanced shelter shall be enclosed on at least three sides and covered to adequately protect bicycles from the elements.
 - The enhanced shelter shall utilize primary exterior materials that match the primary exterior materials of the principal structure.
 - (e) If the development or redevelopment is determined to have mitigated the impacts of potential student use in the adjacent residential neighborhood, the development or redevelopment may adjust the parking requirements as provided in either Section 50-24.3.A or 50-24.3.B if eligible, but may not utilize both adjustments.
 - (f) No residential balcony, patio, or deck shall be located on any side of the property facing and within 200 feet of an R-1 district.
3. Commercial
 - (a) Commercial development shall be concentrated on major roads, not on streets intended primarily for neighborhood traffic.

D. Primary Streets

The following streets are designated as primary streets in the Higher Education Overlay District:

1. Woodland Avenue;
2. St. Marie Street;
3. Arrowhead Road;
4. College Street;
5. Kenwood Avenue, North of College Street;
6. 4th Street;
7. London Road;
8. Superior Street;
9. 9th Street, Between 6th Avenue East and 15th Avenue East; and
10. 8th Street, Between 15th Avenue East and Woodland Avenue.

50-19: Permitted Use Table

50-19.7 Unlisted Uses

When a proposed land use is not explicitly listed in the use table, the land use supervisor shall determine whether or not it is included in the definition of a listed use or is so consistent with the size, scale, operating characteristics and external impacts of a listed use that it should be treated as the same use. Any such interpretation shall be made available to the public and shall be binding on future decisions of the city until the land use supervisor makes a different interpretation.

50-19.8 Permitted Use Table Legend

The following legend in table 50-19.8.1 shall be referenced when using the Permitted Use Table in 50-19.9.

Use Table Legend for 50-19.9	
Abbreviation	Reference
P	Permitted Use
S	Special Use
I	Interim Use
A	Accessory Use
U	Use Allowed in the Upper Stories of the Form District Building
1	May Require Planning Commission Review Hearing (MU-C, MU-I, and MU-W Only)
2	May Require Additional Development Standards and Planning Commission Review if in the Higher Education Overlay District (HE-O)
	Additional Restrictions May Apply on Uses If They are Within the Natural Resources, Airport, Historic Resources, or Skyline Parkway Overlay Districts (NR-O, A-O, HR-O, SP-O)
Notes	All uses that are permitted in the MU-N zone district shall be considered as eligible for an Interim Use Permit in R-1 or R-2 district for Structures Identified as a City of Duluth Local Historic Landmark, per section 50-20.7.

50-19.9 Permitted Use Table

TABLE 50-19.8: USE TABLE

~~NOTE: Uses in the Natural Resources Overlay (NR-O) are limited by Section 50-18.1~~ P=Permitted Use U=Upper Story
~~NOTE: Uses in the Airport Overlay (A-O) district are limited by Section 50-18.2~~ A=Accessory Use
~~NOTE: Uses listed in the R-P district are only allowed if included in an approved regulating plan for the area~~ S=Special Use or Interim Use
 I=Interim Use

Zone District Name	Residential								Mixed Use							Form									Special				Use-Specific Standards	
	R-C	RR-1	RR-2	R-1	R-2	R-P	MU-N	MU-C	MU-I	MU-B	MU-W	MU-P	F-1	F-2	F-3	F-4	F-5	F-6	F-7	F-8	F-9	I-G	I-W	I-T						
LAND-USE CATEGORY																														
RESIDENTIAL USES																														
Household Living																														
Dwelling, one-family	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			
Dwelling, two-family																														
Dwelling, townhouse																														
Dwelling, multi-family																														
Dwelling, live-work																														
Group Living																														
Co-housing facility																														
Residential care facility/assisted living (6 or fewer)																														
Residential care facility/assisted living (7 or more)																														
Rooming house																														
PUBLIC, INSTITUTIONAL AND CIVIC USES																														
Community and Cultural Facilities																														
Bus or rail transit station																														
Cemetery or mausoleum	S	S	S	S	S	S	S ²	S ²	P	P ²	P ¹	S																		
Club or lodge (private)																														

TABLE 50-19.8: USE TABLE

NOTE: Uses in the Natural Resources Overlay (NR-O) are limited by Section 50-18.1

NOTE: Uses in the Airport Overlay (A-O) district are limited by Section 50-18.2

NOTE: Uses listed in the R-P district are only allowed if included in an approved regulating plan for the area

P = Permitted Use U = Upper Story

A = Accessory Use

S = Special Use or Interim Use

I = Interim Use

Zone District Name	Residential					Mixed Use						Form									Special				Use-Specific Standards		
	R-C	RR-1	RR-2	R-1	R-2	R-P	MU-N	MU-C	MU-I	MU-B	MU-W	MU-P	F-1	F-2	F-3	F-4	F-5	F-6	F-7	F-8	F-9	I-G	I-W	I-L			
LAND-USE CATEGORY																											
Garden material sales						S																					
Grocery store, small (less than 15,000 sq ft)																											
Grocery store, large (15,000 sq ft or more)																											
Retail store not listed, small (less than 15,000 sq ft)																											
Retail store not listed, large (15,000 sq ft or more)																											
Vehicle-Related																											
Automobile and light vehicle repair and service																											
Automobile and light vehicle sales, rental, or storage																											
Filling station																											
Parking lot or parking structure (primary use)																											
Truck or heavy vehicle sales, rental, repair, or storage																											
INDUSTRIAL USES																											
Industrial Service																											
Contractor's shop and storage yard																											
Dry cleaning or laundry plant																											
Research laboratories																											
Industrial services																											
Manufacturing and Mining																											
Manufacturing, light																											

50-19: Permitted Use Table

TABLE 50-19.8: USE TABLE

NOTE: Uses in the Natural Resources Overlay (NR-O) are limited by Section 50-18.1

NOTE: Uses in the Airport Overlay (A-O) district are limited by Section 50-18.2

NOTE: Uses listed in the R-P district are only allowed if included in an approved regulating plan for the area

P = Permitted Use U = Upper Story

A = Accessory Use

S = Special Use or Interim Use

I = Interim Use

Zone District Name	Residential						Mixed Use						Form								Special		Use-Specific Standards			
	R-C	RR-1	RR-2	R-1	R-2	R-P	MU-N	MU-C	MU-I	MU-B	MU-W	MU-P	F-1	F-2	F-3	F-4	F-5	F-6	F-7	F-8	F-9	G-1		G-2	G-3	
LAND USE CATEGORY																										
Accessory solar or geothermal power equipment	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Accessory uses and structures not listed elsewhere	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Accessory vacation dwelling unit		I	I	I	I	I	I										I									
Accessory wind power equipment	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Minor utilities and accessory wireless antennas attached to existing structures	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
TEMPORARY USES																										
Temporary construction office or yard	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Temporary event or sales	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Temporary moveable storage container	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Temporary real estate sales office				A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Temporary use not listed in this table	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
FORM DISTRICT BUILDING TYPES																										
Main Street Building I																										
Main Street Building II																	P	P								
Main Street Building III																	P	P	P	P						
Corridor Building I																										
Corridor Building II																										
Lakefront Corridor Building																										
Corridor Building III																										

TABLE 50-19.8: USE TABLE

NOTE: Uses in the Natural Resources Overlay (NR-O) are limited by Section 50-18.1
 NOTE: Uses in the Airport Overlay (A-O) district are limited by Section 50-18.2
 NOTE: Uses listed in the R-P district are only allowed if included in an approved regulating plan for the area

P = Permitted Use U = Upper Story

A = Accessory Use

S = Special Use or Interim Use

I = Interim Use

Zone District Name	Residential						Mixed Use						Form									Special			Use-Specific Standards
	R-C	RR-1	RR-2	R-1	R-2	R-P	MU-N	MU-C	MU-I	MU-B	MU-W	MU-P	F-1	F-2	F-3	F-4	F-5	F-6	F-7	F-8	F-9	I-G	I-W	P-1	
LAND-USE CATEGORY																									
Cottage Commercial I													P					P							
Cottage Commercial II																									
Iconic Building																									

Table 50-21.3-1: Exceptions and Encroachments

Structure or Feature	Conditions or Limits
Encroachments into Required Yard Areas	
Architectural features (sills, belt courses, eaves, cornices) awnings and canopies, bay windows, gutters and downspouts	No more than Up to 18 in. into any required yard area
Unenclosed or lattice-enclosed stairs, fire escapes, and balconies opening upon fire towers	No more than Up to 5 ft. into any required rear yard, except as required to comply with applicable fire code or Americans with Disabilities Act
Chimneys and flues	No more than Up to 2 ft. into any required front or side setback.
Open sided porch, deck, or paved terrace	Not more than Up to 10 ft. into front yard, but no closer than 5 ft. from any street line on a corner lot
Enclosed vestibule or fixed canopy with a floor area of not more than 40 sq. ft.	No more than Up to 4 ft. into front yard
Fuel pumps or pump islands	Not closer than 15 ft. from any street line or closer than 50 ft. from any residential use district boundary
Fences meeting the standards of Section 50-26.4	Fences may not be located closer than 3 ft. to any publicly maintained right-of-way
Porte cochere, carport, or canopy if every part is unenclosed except for necessary structural supports	Permitted in any side setback, but not less than 5 ft. from any side lot line
Accessory Structures	No accessory structure may be located: (a) between a street and any façade of a primary building facing that street, or (b) closer than 10 ft. to any principal structure on an adjoining property, or (c) closer than 5 ft. to any rear lot line, or (d) closer than 3 ft. to any side lot line, except as listed for specific accessory structures below.
Accessory boat dock, residential	No setback required from property lines along the water
Accessory clotheslines, play equipment, trash containers, odor-controlled composting bins and rainwater harvesting tanks	Permitted in side and rear yards
Accessory raingarden	Permitted in all (front, side and rear) yards
Accessory wind power equipment	Permitted in side and rear yards except where prohibited by adopted building code
Exceptions to Building Height Limits	
Television and radio towers, accessory communications towers for private use, religious assembly or ornamental spires and towers, belfries, monuments, tanks, water and fire towers, stage tower or scenery lofts, cooling towers, ornamental towers, chimneys, elevator penthouses, air conditioning penthouses, skylights, smokestacks, conveyors, storage elevators and facilities, flagpoles, accessory wind power equipment, or accessory rooftop solar collectors.	Exempt from height limit. The provisions for religious assembly towers and or ornamental spires and towers only apply if the applicant proposes an Iconic Building in a Form District.

D. Alternative Compliance in Form Districts

Where compliance with the specific requirements of section 50-22 is not possible as a result of unique site conditions abutting or surrounding a proposed site, an owner may propose alternatives consistent with the goals of sections 50-16 and 50-22. The Land Use Supervisor may approve a proposal under this section where an applicant can demonstrate the following:

1. The renovation does not increase the existing primary structure's footprint; and
2. It is determined that the proposed renovation achieves the goals stated in 50-16 relevant to the particular form district to the same degree, or better than, the building form standards set forth in section 50-22.

50-22.2 General Building Type Descriptions

Four major categories of building types are described in this section: Main Street Building, Corridor Building, Cottage Commercial Building, and Iconic Building. The building types proposed for the Form Districts include three variations of the Main Street Building, three variations of the Corridor Building, two variations of the Cottage Commercial Building, and one version of the Iconic Building. The building type variations go from least intense (Type I) to most intense (Type III). Main Street Buildings, in general, are pedestrian-oriented, mixed use buildings. This building type typically has a storefront on the ground floor with offices or residential uses on the upper floors. The ground floor of the Main Street Building has a high amount of transparency, so that pedestrians walking by can look into the interior space. Corridor Buildings are primarily meant to house office or multi-family residential uses, with less transparency required on the ground floor. The Cottage Commercial Building is primarily commercial in nature but, unlike the Main Street Building, it is similar in form to single-family residential areas, providing transitions between commercial and residential areas. While the previously mentioned building types are intended to serve as the fabric buildings of the city, the Iconic Building is a unique civic or institutional building that has distinctive character and function within the community.

A. Main Street Buildings

Main Street Buildings, in general, are pedestrian-oriented, mixed use buildings. This building type typically has a storefront on the ground floor with offices or residential uses on the upper floors. The ground floor of the Main Street Building has a high amount of transparency, so that pedestrians walking by can look into the interior space.

1. Main Street Building I

This building type allows for service, retail, and office uses on the ground floor and office or residential above. It is appropriate for commercial uses adjacent to residential neighborhoods, as the intensity of this building type is not as high as the other Main Street Building types. It has a larger build-to zone and a maximum height of two-and-a-half or three stories depending on location.

2. Main Street Building II

Main Street Building II is slightly more intense than Main Street Building I, as it is required to be built up to the right-of-way and may generally be up to 4 stories tall. This building type also permits service, retail and office uses on the ground floor and office or residential on upper floors.

3. Main Street Building III

Main Street Building III is the most intense of the Main Street Building types, as it is meant to be used in the downtown area. It is located directly adjacent to the sidewalk and should include retail or service uses on the ground floor whenever possible. Main Street Building III has a maximum height of 15 stories in limited locations.

B. Corridor Buildings

Corridor Buildings are primarily meant to house office or multi-family residential uses, with less transparency required on the ground floor.

1. Corridor Building I

This building type can house a single category of uses, such as office or residential, or a mix of uses. Corridor Building I is the least intensive Corridor Building, located in the more neighborhood oriented study area locations. It has a larger build-to zone that is set back farther than the other Corridor Buildings, and is permitted to be a maximum of 3 stories.

2. Corridor Building II

Corridor Building II is an intermediary building type between the more neighborhood scale locations and the intensity of downtown. It is similar to Corridor Building I in many ways, but is permitted to be built up to the sidewalk and may also be taller, with generally a maximum height of 4 stories.

3. Lakefront Corridor Building

The Lakefront Corridor Building is a variation on Corridor Building II that was created for use along Lake Superior in Canal Park. These buildings front the lake, but also require some level of frontage on Canal Park Drive. The maximum height is 4 stories.

4. Corridor Building III

Corridor Building III was created for use in downtown. It is required to be built adjacent to the sidewalk and has a maximum height of 15 stories in specified locations. While the Corridor building types are meant to house primarily office and residential uses, commercial uses are also permitted to create a vibrant commercial core for downtown.

C. Cottage Commercial

The Cottage Commercial Building is primarily commercial in nature but, unlike the Main Street Building, it is similar in form to single-family residential areas, providing transitions between commercial and residential areas.

1. Cottage Commercial I

The Cottage Commercial Building type is residential in character but commercial in use. At a maximum height of two and a half stories, it is meant to blend in with a surrounding residential neighborhood while at the same time providing neighborhood-scale commercial uses. Cottage Commercial I is for use as a transition to residential locations, with a larger build-to zone and permitted side aisle of parking. Cottage Commercial I may also include multiple principal structures on one lot, provided that each building meets the requirements of the building type.

2. Cottage Commercial II

Cottage Commercial II is similar to Cottage Commercial I but is used in the West Duluth study area, which is a more intense context. This building type may be built to the front property line and must locate parking in the rear.

D. Iconic Building

While the previously mentioned building types are intended to serve as the fabric buildings of the city, the Iconic Building is a unique civic or institutional building that has distinctive character and function within the community. The Iconic Building type is a unique building type meant to house community, cultural, civic, educational or governmental uses (i.e. uses classified as "Community and Cultural Facilities" or "Educational Facilities" in Table 50-19.8). The Iconic Building has more flexible requirements for building location and transparency than the other non-residential building types due to its unique nature.

50-22.5 Explanation of Table Requirements

The following explains and defines the requirements included in the tables for each building type, Sections 50-22.7 through 50-22.17, and summarized for all building types in Table 50-22.7.

A. Building Siting

1. Street Frontage

- (a) Multiple principal buildings permitted on a lot. The presence of more than one principal structure on a lot.
- (b) Front Build-to Zone (BTZ) or setback. The build-to zone or setback parallel to the front property line. All BTZ and setback areas not covered by the building must contain either landscaping, patio space, or sidewalk space. Build-to zones define the minimum and maximum distance a structure may be placed from a property line.
- (c) Corner BTZ or setback. The build-to zone or setback parallel to the corner property line. All BTZ and setback areas not covered by building must contain landscape area.
- (d) Minimum coverage of front BTZ. Measurement defining the minimum percentage of street wall or building facade required along the street. The width of the principal structure(s) (as measured within the front build-to zone) shall be divided by the maximum width of the front. Refer to Figure 50-22.5-A
- (e) Occupation of corner. Occupying the intersection of the front and corner build-to zones with a principal structure.

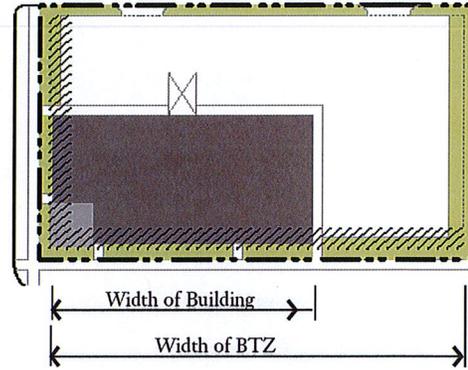


Figure 50-22.5-A: Measuring BTZ Coverage

2. Side and Rear Setbacks

- (a) Minimum side yard setback. The minimum required setback along a side property line. All side yard setback areas not covered by building must contain landscape area.
- (b) Minimum rear yard setback. The minimum required setback along a rear property line.

3. Buildable Area

- (a) Minimum landscape area. The minimum percentage of a lot that must be primarily dedicated to landscape materials, such as planting beds, grass or shrubs. A portion of the area may include hardscape materials for pedestrian use or access to the area or building, such as patio or sidewalk.
- (b) Minimum lot width. The minimum width of a lot, measured at the front property line.

4. Parking and Access

- (a) Location of parking facilities. The yard in which a parking lot and associated drive is permitted.

- (b) Loading facility location. The facade of the building on which access is permitted for loading and unloading activities related to building uses.
- (c) Number of permitted driveways. Defines the circumstances under which a driveway is permitted on a lot.

B. Height

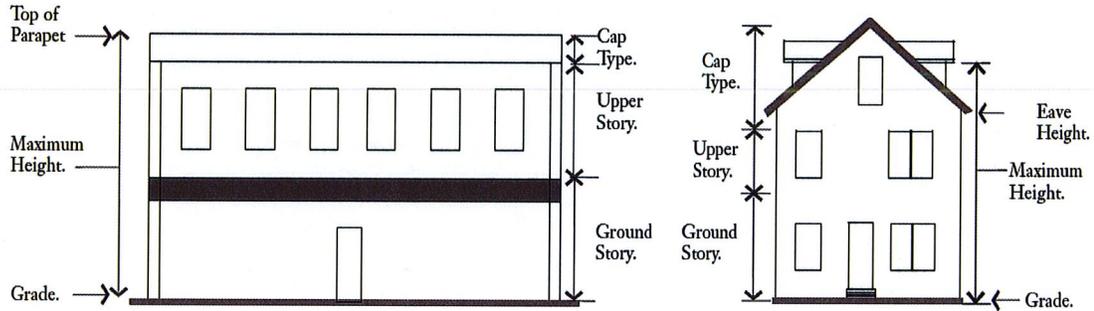


Figure 50-22.5-B: Measuring Height

1. Minimum and maximum overall height. (Refer to Figure 50-22.5-B)
2. A required minimum and maximum overall height is provided for all building types and is measured as follows:
 - (a) Height in stories. The sum of a building's stories. Half stories are located either completely within the roof structure or in a visible basement exposed a maximum of one-half story above average finished grade.
 - (b) Height in ft. measured as follows:
 - (i) Parapet cap type. Overall height is measured from the average finished grade of the building's front facade to the highest point of the parapet.
 - (ii) Pitched cap type. Overall height is measured from the average finished grade of the building's front facade to the midpoint of the highest roof slope.
 - (iii) Flat roof cap type. Overall height is measured from the average finished grade of the building's front facade to the top of the highest eave.
 - (iv) Appurtenances. Chimneys, antennae and other similar appurtenances may exceed the overall building height by no more than 25 ft.
 - (v) Towers. Maximum height, measured from the top of the upper story to the top of the tower, is the equivalent of the height of one upper floor of the building to which the Tower is applied. This additional floor does not count toward the overall height of the building. Refer to Section 50-22.4(E).
3. Ground story and upper story minimum and maximum height. (Refer to Figure 50-22.5-B). Each building type includes a permitted range of height in ft. for each story, which is measured as follows:
 - (a) Floor height is measured in ft. from the floor of a story to the floor of the story above it;
 - (b) For single story buildings and the uppermost story of a multiple story building, floor to floor height shall be measured from the floor of the story to the tallest point of the ceiling.

4. Where a building spans a block, and the block is adjacent to two street frontages with different building height maximums, the maximum height is determined as follows:
 - (a) Where a block is adjacent to two streets with different maximum building heights, the midpoint between those two streets is the point where the maximum building height transition occurs;
 - (b) Where a block is between Superior Street and Michigan Street, the greater maximum building height allowed on Superior Street extends through the entire block to Michigan Street.
5. In the situation where a single party owns frontage along a street corner, the maximum height for corner parcels applies to lots with the same street frontage owned by the same property owner within 100 feet of the corner.

C. Uses

1. Ground story. The uses that may occupy the ground story of a building. Refer to Article 3, Permitted Uses.
2. Upper story. The uses that may occupy the upper stories of a building. Refer to Article 3, Permitted Uses.
3. Parking within building. The area(s) of a building in which parking is permitted within the structure.
4. Occupied space. The area(s) of a building that must be occupied by the users on a regular basis.

D. Facade Requirements

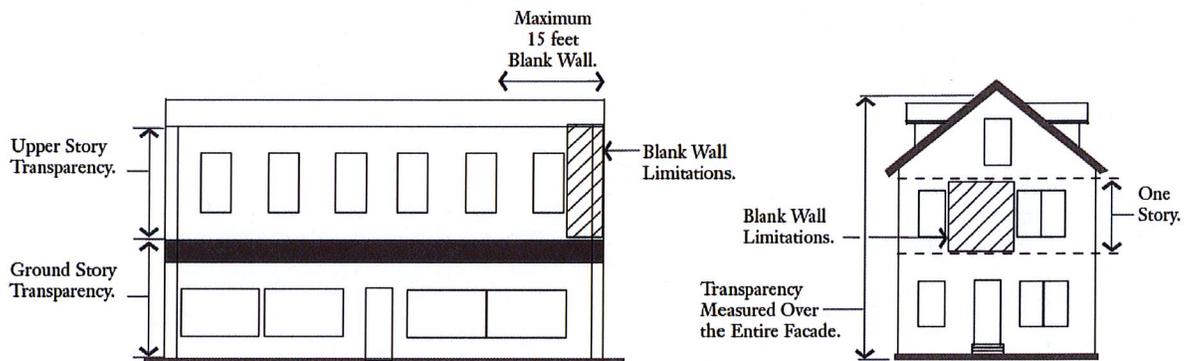


Figure 50-22.5-C: Measuring transparency

1. Transparency. Measurement of the percentage of a facade that has clear, non-reflective windows. Refer to Figure 50-22.5-C.
 - (a) Minimum transparency. The minimum amount of transparency required on the upper stories of facades with street frontage, measured per story or per facade, depending on the building type. Buildings with Storefront and Shopfront base types are required to have a greater ground story transparency on the front facade, as defined in Section 50-22.3, Base Types.
 - (b) Blank wall limitations. A restriction of the amount of windowless area permitted on a facade with street frontage. If required, the following shall be met:

- (i) No rectangular area greater than 30% of a story's facade, as measured from floor to floor, may be windowless; and
 - (ii) No horizontal distance greater than 15 ft. of a story's facade may be windowless.
- 2. Building entrance.
 - (a) Principal entrance location. The facade on which the primary building entrance is to be located.
 - (b) Street facades. Number of entrances on street facade. The maximum spacing between entrances on a building facade with street frontage.
- 3. Balconies. The following requirements pertain to balconies on building facades with street frontage.
 - (a) Size. The minimum dimensions of a permitted balcony.
 - (b) Facade coverage. The percentage of a facade's total area that may be covered by balconies, including street facing railing and balcony structure.
 - (c) Access. The number of units that are permitted to gain entry to an individual balcony.
 - (d) Structure. Requirements related to the construction of a balcony. Two types of balcony structures are permitted:
 - (i) Independently secured balconies are those that are connected directly to the building and are unconnected to other balconies.
 - (ii) Balconies that are integral to the facade are a part of, and built in conjunction with, the building structure.

E. Cap & Base Type Requirements

- 1. Cap type. The cap type(s) permitted for a given building type. Refer to 50-22.4, Cap Types for more specific requirements.
- 2. Tower. A vertical building extension that may be permitted in conjunction with another cap type on certain building types. Refer to 50-22.4(E), Cap Types.
- 3. Front street facade base type. The base type(s) required on the street-facing facade of a given building type. Refer to 50-22.3, Base Types for more specific requirements.
- 4. Parking lot facade base type. The base type(s) required on the facade of a given building type that faces a parking lot. Refer to 50-22.3, Base Types for more specific requirements.

F. Facade Materials Requirement

The materials prohibited, required and to be avoided for designated facades.

	Street Frontage			Side & Rear Setbacks			Buildable Area	
	Multiple Buildings Permitted on a Lot	Front Yard BTZ or setback (feet)	Corner Side Yard BTZ or setback (feet)	Minimum Coverage of Front Build-to Zone	Minimum Side Yard Setback (feet)	Minimum Rear Yard Setback (feet)	Minimum Landscape Area	Minimum Lot Width (feet)
Main Street Building I	No	0-15	0-15	65% 85% , BTZ may exclude permitted driveway	0	5	10%	30
Main Street Building II	No	0-5	0-5	95%	0	5	0%	20
Main Street Building III	No	0-5	0-5	95%	0	5	0%	20
Corridor Building I	Yes	5-15	5-15	65% 75%	0	5	15%	30
Corridor Building II	Yes	0-15	0-15	75%	0	5	15%	50
Lakefront Corridor Building	Yes	0-2.5 BTZ on Lakefront; 0-1.5 BTZ along Canal Park Drive	0-1.5	33% on street face; 65% on Lakefront	10% of lot width on each side or aggregate on one side	Not applicable	20%	50
Corridor Building III	No	0-5	0-5	85%	0	5	0%	50
Cottage Commercial I	Yes	5-20	5-20	60%	5	5	20%	50
Cottage Commercial II	No	0-15	0-15	60%	0	5	20%	50
Iconic Building	Yes	5' Setback	5' Setback	Not applicable	5	5	20%	50

¹Tower permitted for all Building Types **Land Use Supervisor Approval**

² 2 driveways may be permitted through **special exception** if frontage exceeds 200'

³15 stories or 188' as measured from W Superior Street; Permitted from Mesaba Ave to N 4th Ave E

⁴Ground floor transparency may be greater depending on base type.

Parking & Access		Building Height		Transparency	Entrance	Cap & Base Type		
Location of Parking Facilities (yard)	Number of Permitted Driveways	Minimum Principle Building Height (stories)	Maximum Principle Building Height	Minimum Front & Corner Side Façade Transparency per Story ⁴	Blank Wall Limitations	Primary Entrance Locations	Allowed Cap Types ¹	Allowed Base Types
				Rear				
Rear	If no alley exists, 1 driveway permitted per frontage ²	1	4 stories / 55'; 6 stories / 80' on Lake Avenue	20%	Required	Front or Corner Side Façade	Parapet, Flat Roof, Pitched Roof	Arcade, Storefront
Rear	If no alley exists, 1 driveway permitted per frontage	1; 2 along Superior Street	6 stories / 80'; 9 stories / 116' on corner parcels only; 15 stories / 188' along Superior Street ³	20%	Required	Front or Corner Side Façade	Parapet, Flat Roof	Arcade, Storefront
Rear, Single <u>double</u> side aisle permitted <u>or</u> 1 driveway permitted per frontage ²	1	3 stories / 45'	20%	Required	Front or Corner Side Façade	Parapet, Flat Roof, Pitched Roof	Stoop, Porch	
Rear	If no alley exists, 1 driveway permitted per frontage ²	1	4 stories / 55'; 6 stories / 80' on Lake Avenue	20%	Required	Front or Corner Side Façade	Parapet, Flat Roof, Pitched Roof	Stoop, Porch
Must be screened from the Lakefront by building	1 driveway permitted per every 140' of frontage	1	4 stories / 55'	20%	Required only on street or Lakefront facades	Visible from street	Parapet, Flat Roof, Pitched Roof	Stoop or Porch on Lake or parking lot face; Storefront or Stoop on street face
Rear	If no alley exists, 1 driveway permitted per frontage	1	6 stories / 80'; 9 stories / 116' on corner parcels only; 15 stories / 188' along Superior Street ³	20%	Required	Front or Corner Side Façade	Parapet, Flat Roof	Stoop
Rear, Single <u>double</u> side aisle permitted <u>or</u> 1 driveway permitted per frontage ²	1	2.5 stories / 33'	20%	Not required	Front or Corner Side Façade	Pitched Roof	Shopfront, Porch, Stoop	
Rear	If no alley exists, 1 driveway permitted per frontage ²	1	2.5 stories / 33'	20%	Not required	Front or Corner Side Façade	Pitched Roof	Shopfront, Porch, Stoop
Rear, Single side aisle permitted	1 driveway permitted per frontage ²	1	4 stories / 55'	10%	Not required	Front or Corner Side Façade	Parapet, Flat Roof, Pitched Roof	Stoop

Main Street Building I

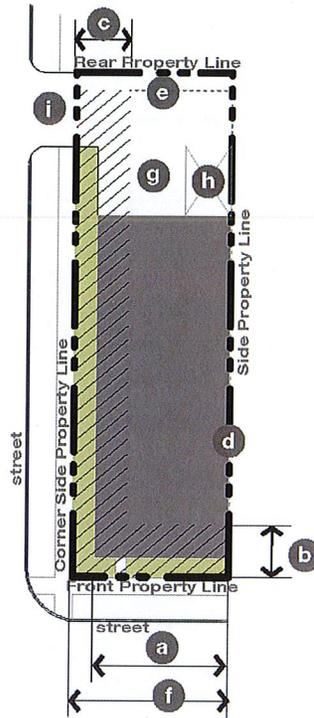


Figure 50-22.8(A): Building Siting.

A. Building Siting	
1. Street Frontage	
Multiple Principal Buildings	Not permitted
Front Build-to Zone Coverage	65% 85%; BTZ may exclude permitted driveway a
Occupation of Corner	Required
Front BTZ	0' to 15' b
Corner BTZ	0' to 15' c
2. Buildable Area	
Side Yard Setback	0' d
Rear Yard Setback	5' e
Minimum Lot Width	30' f
Minimum Landscape Area	10%
3. Parking Lot, Loading & Access	
Parking Lot Location	Rear yard g
Loading Facility Location	Rear building façade h
Access	1 driveway permitted per frontage; 2 driveways may be permitted through [special exception] if frontage exceeds 200' i

B. Height	
Minimum Overall Height	1 story j
Maximum Overall Height	2.5 stories / 37' along East Superior; 3 stories / 45' along London Road k
Ground Story: Minimum Height	15' l
Maximum Height	24' l
Upper Stories: Minimum Height	9' m
Maximum Height	14' m
Notes:	
If 20' or more in height, ground story shall count as 2 stories towards maximum building height.	

C. Uses	
Ground Story	Refer to Section 3. Permitted Uses n
Upper Story	Refer to Section 3. Permitted Uses o
Parking within Building	Permitted in the rear of the ground floor and fully in any other floor p
Occupied Space	30' depth space required on ground floor facing Primary Street

Main Street Building I

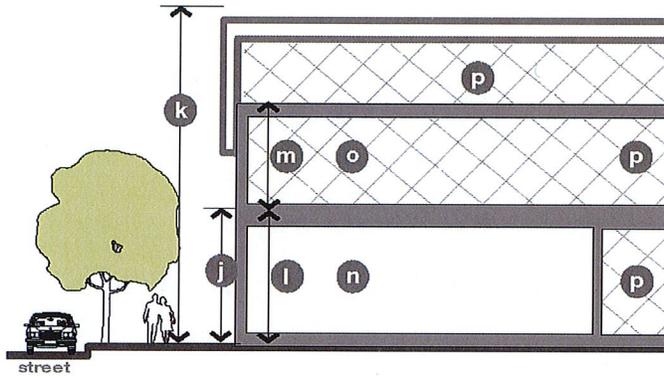


Figure 50-22.8(B): Height & Use Requirements.

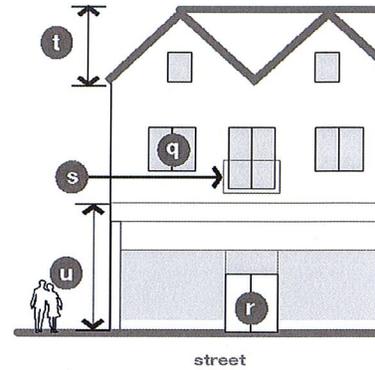


Figure 50-22.8(C): Façade Requirements.

D. Street Façade Requirements	
1. Transparency (q)	
Minimum Transparency	20% per floor
Blank Wall Limitations	Required
2. Building Entrance	
Principal Entrance Location	Front or Corner Side Façade of building (r)
Street Façades: Number of Entrances	1 per ^{50'} 75' of Front Façade
3. Balconies (if provided) (s)	
Size	Minimum 3' deep and 5' wide
Façade Coverage	Maximum 30% of front & corner side façades, calculated separately
Access to Balcony	Maximum one (1) dwelling unit
Structure	Independently secured and unconnected to other balconies; or integral to the façade

E. Cap & Base Type Requirements	
Cap Type	Parapet, Flat Roof, Pitched Roof (t)
Tower	Permitted
Street Façade Base Type	Storefront (u)

Main Street Building II

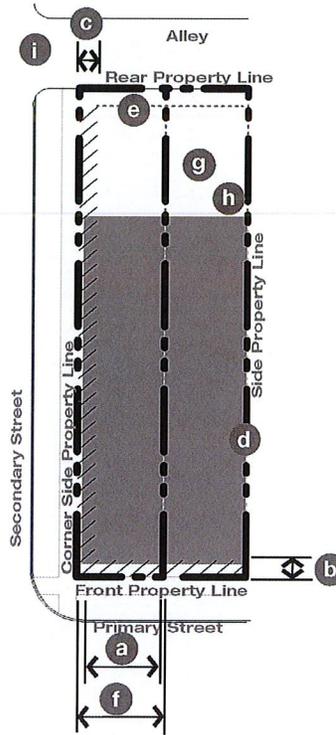


Figure 50-22.9(A): Building Siting.

A. Building Siting	
1. Street Frontage	
Multiple Principal Buildings	Not permitted
Front Build-to Zone Coverage	95% (a)
Occupation of Corner	Required
Front BTZ	0' to 5' (b)
Corner BTZ	0' to 5' (c)
2. Buildable Area	
Side Yard Setback	0' (d)
Rear Yard Setback	5' (e)
Minimum Lot Width	20' (f)
Minimum Landscape Area	0%
3. Parking Lot, Loading & Access	
Parking Lot Location	Rear yard (g)
Loading Facility Location	Rear building façade (h)
Access	No driveway permitted if alley access is available; If no alley exists, 1 driveway permitted per frontage; 2 driveways may be permitted through [special exception] if frontage exceeds 200' (i)

B. Height	
Minimum Overall Height	1 story (j)
Maximum Overall Height	4 stories / 55' (k)
Ground Story: Minimum Height	15' (l)
Maximum Height	24'
Upper Stories: Minimum Height	9' (m)
Maximum Height	14'

Notes:

If 20' or more in height, ground story shall count as 2 stories towards maximum building height.

C. Uses	
Ground Story	Refer to Section 3. Permitted Uses (n)
Upper Story	Refer to Section 3. Permitted Uses (o)
Parking within Building	Permitted in the rear of the ground floor and fully in any other floor (p)
Occupied Space	30' depth space required on ground floor facing Primary Street

Main Street Building II

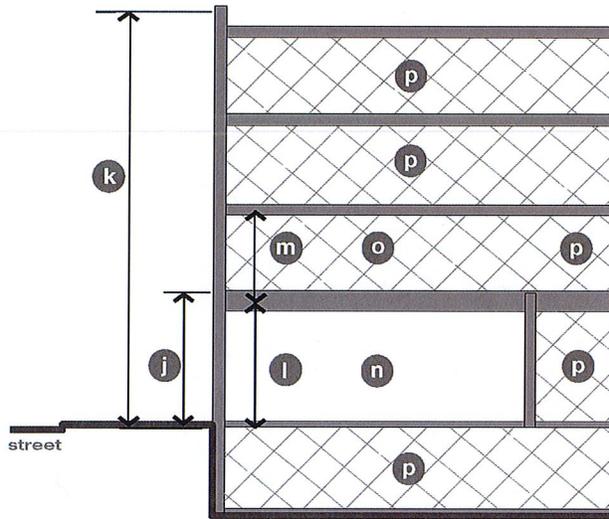


Figure 50-22.9(B): Height & Use Requirements.

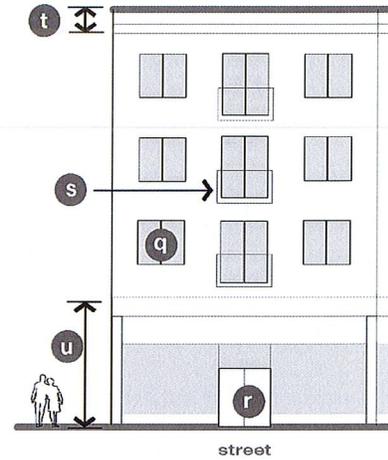


Figure 50-22.9(C): Façade Requirements.

D. Street Façade Requirements	
1. Transparency (q)	
Minimum Transparency	20% per floor
Blank Wall Limitations	Required
2. Building Entrance	
Principal Entrance Location	Front or Corner Side Façade of building (r)
Street Façades: Number of Entrances	1 per 75' of Front Façade
3. Balconies (if provided) (s)	
Size	Minimum 3' deep and 5' wide
Façade Coverage	Maximum 30% of front & corner side façades, calculated separately
Access to Balcony	Maximum one (1) dwelling unit
Structure	Independently secured and unconnected to other balconies; or integral to the façade

E. Cap & Base Type Requirements	
Cap Type	Parapet, Flat Roof, Pitched Roof (t)
Tower	Permitted
Street Façade Base Type	Arcade, Storefront (u)

F. Façade Materials Requirements ²	
Permitted Façade Materials	Durable, natural materials, such as stone, brick, stucco, metal, and concrete
Permitted Upper Story Façade Materials	Painted or Stained Wood
Required Materials	Minimum 60% masonry on each façade, red brick preferred
Materials to Avoid	Imitation materials intended to look like natural materials; Residential grade windows and doors on the ground story; painted brick or stone
Prohibited Materials on Façades	Concrete masonry units, utility or economy bricks more than 3" in height, untreated wood, and exterior insulation & finishing systems (EIFS)
Façade Colors	Historic Paint Palettes by any major brand, also on file at City Hall

Notes:

² Façade materials requirements apply only to the Canal Park area

Main Street Building III

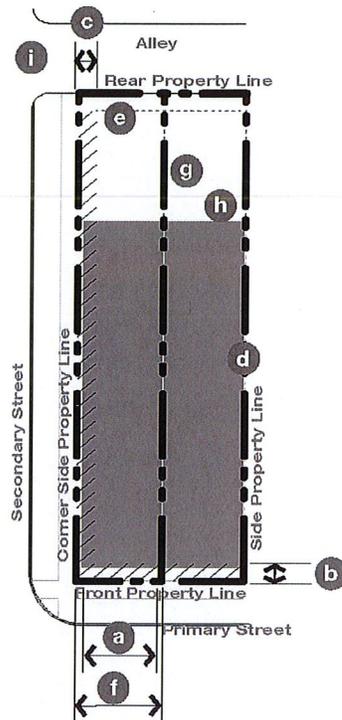


Figure 50-22.10(A) : Building Siting.

A. Building Siting	
1. Street Frontage	
Multiple Principal Buildings	Not permitted
Front Build-to Zone Coverage	95% (a)
Occupation of Corner	Required
Front BTZ	0' to 5' (b)
Corner BTZ	0' to 5' (c)
2. Buildable Area	
Side Yard Setback	0' (d)
Rear Yard Setback	5' (e)
Minimum Lot Width	20' (f)
Minimum Landscape Area	0%
3. Parking Lot, Loading & Access	
Parking Lot Location	Rear yard (g)
Loading Facility Location	Rear building façade (h)
Access	No driveway permitted if alley access is available; If no alley exists, 1 driveway permitted per frontage (i)

B. Height	
Minimum Overall Height	1 story; 2 stories along Superior Street (j)
Maximum Overall Height	6 stories and 80'; 9 stories and 116' on all corner parcels except those on 2nd Street; 15 stories and 188' along Superior Street ^{1,2} (k)
	Ground Story: Minimum Height 15' (l)
	Maximum Height 24'
	Upper Stories: Minimum Height 9' (m)
	Maximum Height 14'

Notes:
¹ 15 Stories/188' height shall be measured from Superior Street
² 15 Stories permitted from Mesaba Ave to N 4th Ave E on W Superior Street
³ If 20' or more in height, ground story shall count as 2 stories towards maximum building height

C. Uses	
Ground Story	Refer to Section 3. Permitted Uses (n)
Upper Story	Refer to Section 3. Permitted Uses (o)
Parking within Building	Permitted in the rear of all floors and fully in any basement (p)

Main Street Building III

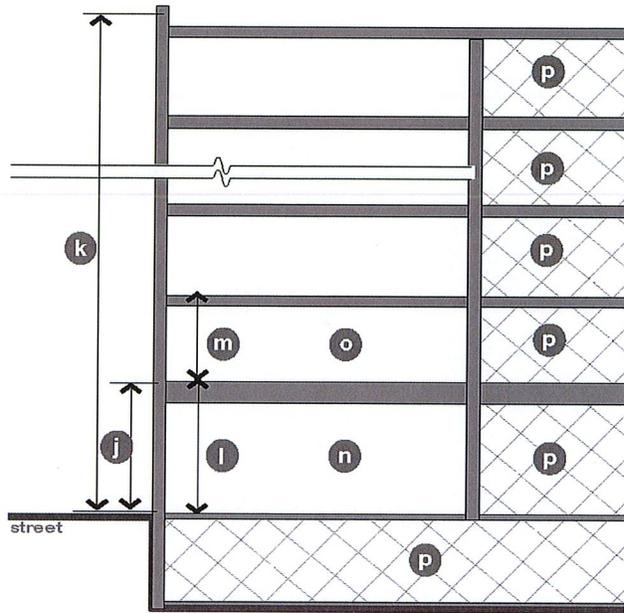


Figure 50-22.10(B): Height & Use Requirements.

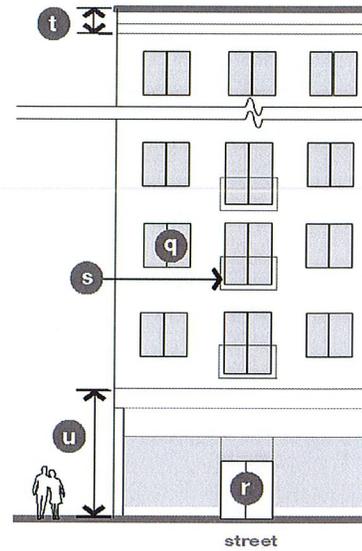


Figure 50-22.10(C): Façade Requirements.

Occupied Space	30' depth space required on all floors facing Primary Streets and on ground floor facing Secondary Streets
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D. Street Façade Requirements

1. Transparency (q)	
Minimum Transparency	20% per floor
Blank Wall Limitations	Required
2. Building Entrance	
Principal Entrance Location	Front or Corner Side Façade of building (r)
Street Façades: Number of Entrances	1 per 75' of Front Façade
3. Balconies (s)	
Size	Minimum 3' deep and 5' wide
Façade Coverage	Maximum 30% of front & corner side façades, calculated separately
Access to Balcony	Maximum one (1) dwelling unit
Structure	Independently secured and unconnected to other balconies; or integral to the façade

E. Cap & Base Type Requirements

Cap Type	Parapet, Flat Roof (t)
Tower	Permitted
Street Façade Base Type	Arcade, Storefront (u)

Corridor Building I

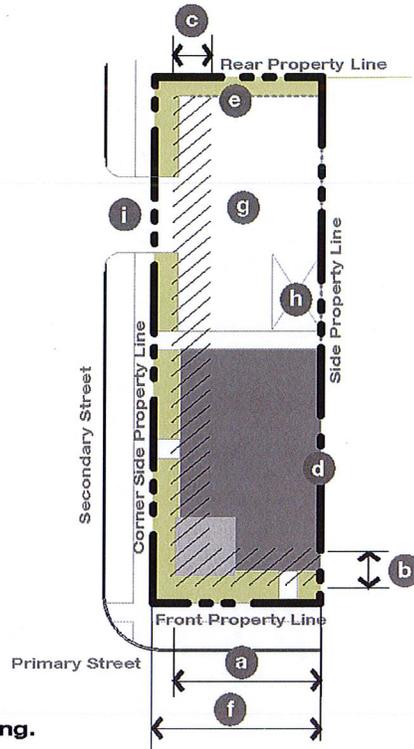


Figure 50-22.11(A): Building Siting.

A. Building Siting	
1. Street Frontage	
Multiple Principal Buildings	Permitted
Front Build-to-Zone Coverage	65% 75% (a)
Occupation of Corner	Required
Front BTZ	5' to 15' (b)
Corner BTZ	5' to 15' (c)
2. Buildable Area	
Side Yard Setback	0' (d)
Rear Yard Setback	5' (e)
Minimum Lot Width	30' (f)
Minimum Landscape Area	15%
3. Parking Lot, Loading & Access	
Parking Lot Location	Rear yard; Single aisle permitted in side yard (g) or double
Loading Facility Location	Rear building façade (h) or side
Access	1 driveway permitted per frontage; 2 driveways may be permitted through [special exception] if frontage exceeds 200' (i)

B. Height	
Minimum Overall Height	1 story (j)
Maximum Overall Height	3 stories / 45' (k)
Ground Story: Minimum Height	15' (l)
Maximum Height	24' (l)
Upper Stories: Minimum Height	9' (m)
Maximum Height	14' (m)

Notes:
 * If 20' or more in height, ground story shall count as 2 stories towards maximum building height.

C. Uses	
Ground Story	Refer to Section 3. Permitted Uses (n)
Upper Story	Refer to Section 3. Permitted Uses (o)
Parking within Building	Permitted in the rear of the ground floor and fully in any other floor (p)
Occupied Space	30' depth space required on ground floor facing Primary Street

Corridor Building I

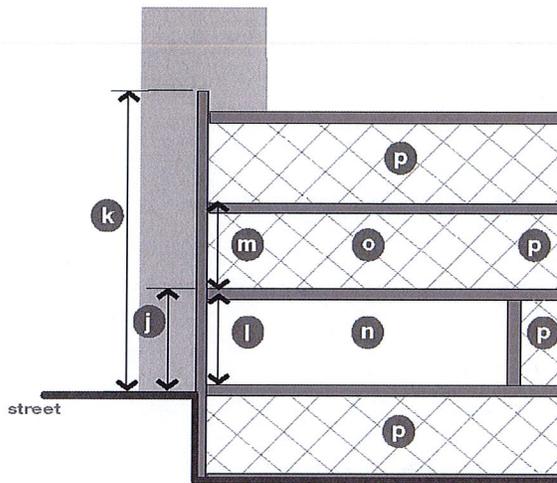


Figure 50-22.11(B): Height & Use Requirements.

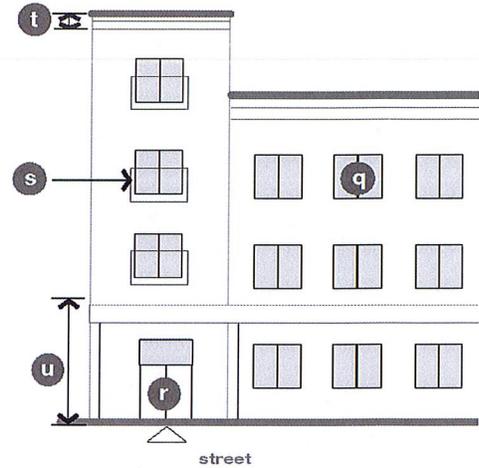


Figure 50-22.11(C): Façade Requirements.

D. Street Façade Requirements	
1. Transparency (q)	
Minimum Transparency	20% per floor
Blank Wall Limitations	Required
2. Building Entrance	
Principal Entrance Location	Front or Corner Side Façade of building (r)
Street Façades: Number of Entrances	1 per $\frac{50'}{75'}$ of Front Façade
3. Balconies (if provided) (s)	
Size	Minimum 3' deep and 5' wide
Façade Coverage	Maximum 30% of front & corner side façades, calculated separately
Access to Balcony	Maximum one (1) dwelling unit
Structure	Independently secured and unconnected to other balconies; or integral to the façade

E. Cap & Base Type Requirements	
Cap Type	Parapet, Flat Roof, Pitched Roof (t)
Tower	Permitted
Street Façade Base Type	Stoop, Porch ² (u)
Notes:	
² Porch, Stoop, or stairs may encroach to within 2' of the property line	

Corridor Building II

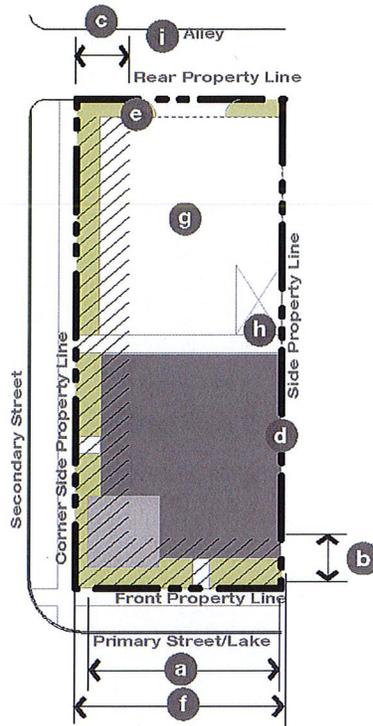


Figure 50-22.12(A): Building Siting.

A. Building Siting	
1. Street Frontage	
Multiple Principal Buildings	Permitted
Front Build-to Zone Coverage	75% (a)
Occupation of Corner	Required
Front BTZ	0' to 15' (b)
Corner BTZ	0' to 15' (c)
2. Buildable Area	
Side Yard Setback	0' (d)
Rear Yard Setback	5' (e)
Minimum Lot Width	50' (f)
Minimum Landscape Area	15%
3. Parking Lot, Loading & Access	
Parking Lot Location	Rear yard (g)
Loading Facility Location	Rear building façade (h)
Access	No driveway permitted if alley access is available; If no alley exists, 1 driveway permitted per frontage; 2 driveways may be permitted through [special exception] if frontage exceeds 200' (i)

B. Height	
Minimum Overall Height	1 story (j)
Maximum Overall Height	4 stories / 55' (k)
Ground Story: Minimum Height	15' (l)
Ground Story: Maximum Height	24' (l)
Upper Stories: Minimum Height	9' (m)
Upper Stories: Maximum Height	14' (m)

Notes:
 If 20' or more in height, ground story shall count as 2 stories towards maximum building height.

C. Uses	
Ground Story	Refer to Section 3. Permitted Uses (n)
Upper Story	Refer to Section 3. Permitted Uses (o)
Parking within Building	Permitted in the rear of the ground floor and fully in any other floor (p)
Occupied Space	30' depth space required on ground floor facing Primary Street

Corridor Building II

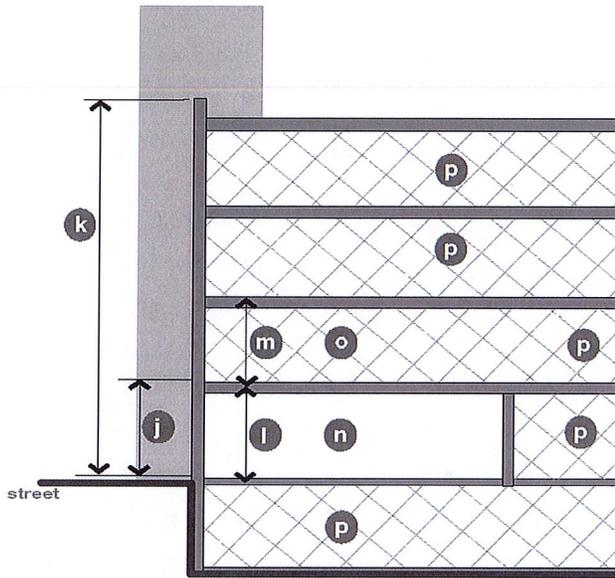


Figure 50-22.12(B): Height & Use Requirements.

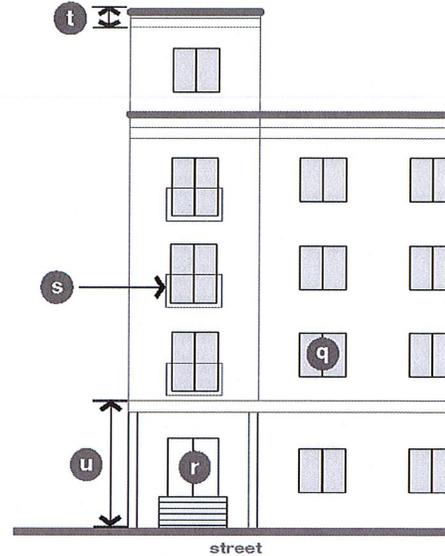


Figure 50-22.12(C): Façade Requirements.

D. Street Façade Requirements	
1. Transparency (q)	
Minimum Transparency	20% per floor
Blank Wall Limitations	Required
2. Building Entrance	
Principal Entrance Location	Front or Corner Side Façade of building (r)
Street Façades: Number of Entrances	1 per 75' of Front Façade
3. Balconies (if provided) (s)	
Size	Minimum 3' deep and 5' wide
Façade Coverage	Maximum 30% of front & corner side façades, calculated separately
Access to Balcony	Maximum one (1) dwelling unit
Structure	Independently secured and unconnected to other balconies; or integral to the façade

E. Cap & Base Type Requirements	
Cap Type	Parapet, Flat Roof, Pitched Roof (t)
Tower	Permitted
Street Façade Base Type	Stoop, Porch (u)

F. Façade Materials Requirements ²	
Permitted Façade Materials	Durable, natural materials, such as stone, brick, stucco, metal, and concrete
Permitted Upper Story Façade Materials	Painted or Stained Wood
Required Materials	Minimum 60% masonry on each façade, red brick preferred
Materials to Avoid	Imitation materials intended to look like natural materials; Residential grade windows and doors on the ground story; painted brick or stone
Prohibited Materials on Façades	Concrete masonry units, utility or economy bricks more than 3" in height, untreated wood, and exterior insulation & finishing systems (EIFS)
Façade Colors	Historic Paint Palettes by any major brand, also on file at City Hall

Notes:

² Façade materials requirements apply only to the Canal Park area

Lakefront Corridor Building

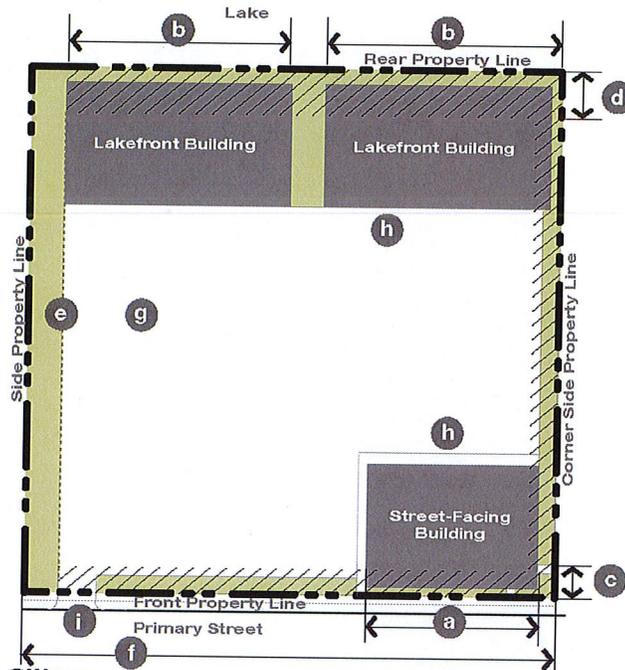


Figure 50-22.13(A): Building Siting.

A. Building Siting

1. Street & Lake Frontage

Multiple Principal Buildings	Permitted	
Build-to Zone Coverage:		
Front & Corner B'TZ on Street Face	33%	(a)
Rear BTZ on Lakefront	65%	(b)

Occupation of Corner	Required	
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Build-to Zone:

Front & Corner BTZ on Street Face	0-15'	(c)
Rear BTZ on Lakefront	0-25'	(d)

2. Buildable Area

Side Yard Setback	20'	(e)
Rear Yard Setback	Not applicable	

Lakefront Access Easement	Minimum 50' wide easement from Canal Park Drive to the Lakewalk ¹	
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Minimum Lot Width	50'	(f)
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Minimum Landscape Area	20%	
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3. Parking Lot, Loading & Access

Parking Lot Location	Must be screened from the Lakefront by building	(g)
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Loading Facility Location	Not permitted on Street or Lakefront Façades	(h)
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Access	1 driveway permitted per every 140' of street frontage	(i)
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Notes:

¹ Access easements are required at the terminus of any street with Canal Park Drive.

B. Height

Minimum Overall Height	1 story	(j)
------------------------	---------	-----

Maximum Overall Height	4 stories / 55'	(k)
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Ground Story: Minimum Height	15'	(l)
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Maximum Height	24'	(l)
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Upper Stories: Minimum Height	9'	(m)
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Maximum Height	14'	(m)
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Notes:

² If 20' or more in height, ground story shall count as 2 stories towards maximum building height.

C. Uses

Ground Story	Refer to Section 3. Permitted Uses	(n)
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Upper Story	Refer to Section 3. Permitted Uses	(o)
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Parking within Building	Permitted in the rear of all floors and fully in any basement	(p)
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Occupied Space	30' depth space facing Primary Street or space on front façade	
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Lakefront Corridor Building

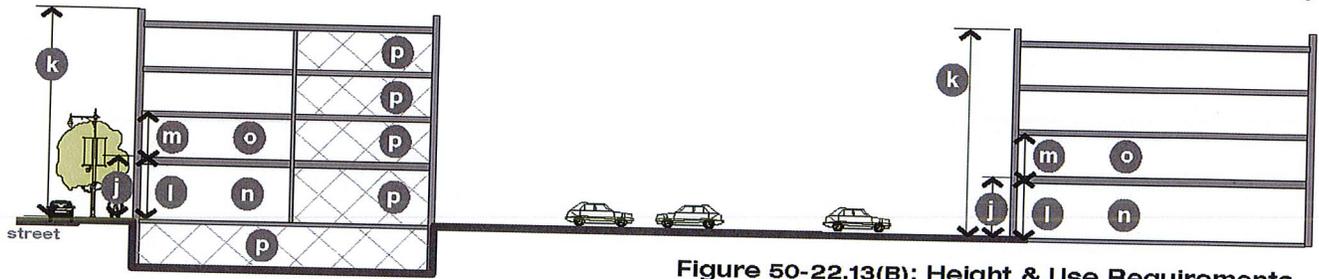


Figure 50-22.13(B): Height & Use Requirements.

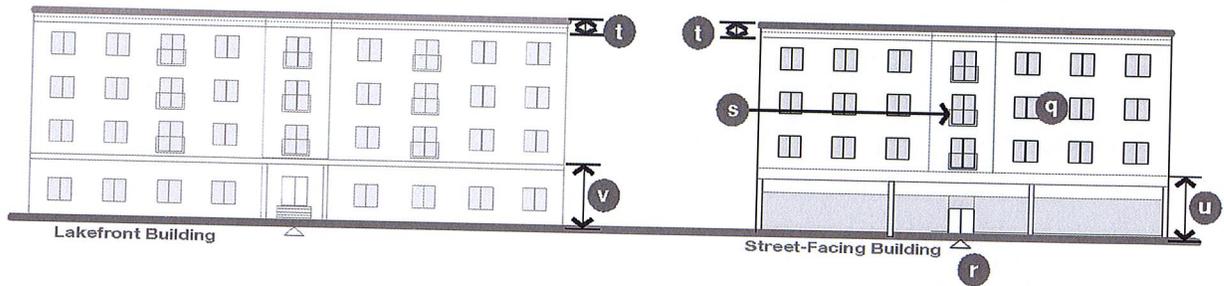


Figure 50-22.13(C): Façade Requirements.

D. Street, Lakefront, and Parking Lot Façade Requirements

1. Transparency		(q)
Minimum Transparency	20% per floor	
Blank Wall Limitations	Required only on Street and Lakefront Façades	
2. Building Entrance		
Principal Entrance Location	Visible from Street	(r)
Number of Entrances:		
Street Façade	1 per 100' of Front Façade	
Lakefront Façade	1 per 150' of Front Façade	
3. Balconies (if provided)		(s)
Size	Minimum 3' deep and 5' wide	
Façade Coverage	Maximum 30% of front & corner side facades, calculated separately	
Access to Balcony	Maximum one (1) dwelling unit	
Structure	Independently secured and unconnected to other balconies; or integral to the façade	

E. Cap & Base Type Requirements

Cap Type	Parapet, Flat Roof, Pitched Roof	(t)
Tower	Permitted	
Street Façade Base Type	Storefront, Stoop	(u)
Parking Lot Façade Base Type Visible from Street	Stoop, Porch	(v)
Lakefront Façade Base Type	Stoop, Porch	

F. Façade Materials Requirements

Permitted Façade Materials	Durable, natural materials, such as stone, brick, stucco, metal, and concrete
Permitted Upper Story Façade Materials	Painted or Stained Wood
Required Materials	Minimum 60% masonry on each façade, red brick preferred
Materials to Avoid	Imitation materials intended to look like natural materials; Residential grade windows and doors on the ground story; painted brick or stone
Prohibited Materials on Façades	Concrete masonry units, utility or economy bricks more than 3" in height, untreated wood, and exterior insulation & finishing systems (EIFS)
Façade Colors	Historic Paint Palettes by any major brand, also on file at City Hall

Corridor Building III

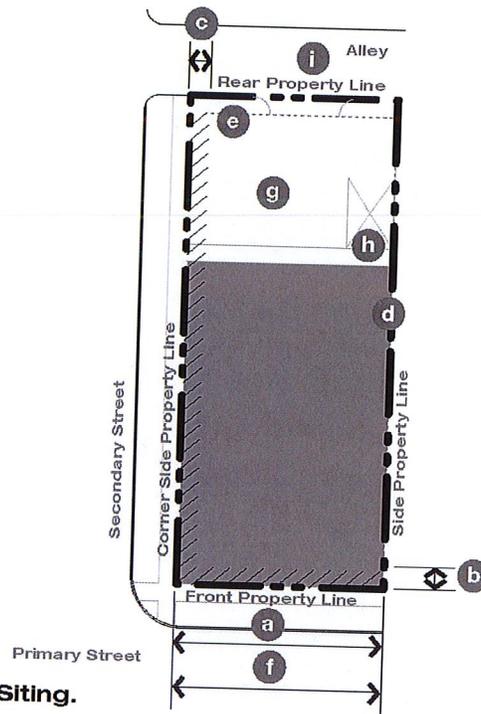


Figure 50-22.14(A): Building Siting.

A. Building Siting	
1. Street Frontage	
Multiple Principal Buildings	Not permitted
Front Build-to Zone Coverage	85% (a)
Occupation of Corner	Required
Front BTZ	0' to 5' (b)
Corner BTZ	0' to 5' (c)
2. Buildable Area	
Side Yard Setback	0' (d)
Rear Yard Setback	5' (e)
Minimum Lot Width	50' (f)
Minimum Landscape Area	0%
3. Parking Lot, Loading & Access	
Parking Lot Location	Rear Yard (g)
Loading Facility Location	Rear Building Façade (h)
Access	No driveway permitted if alley access is available; If no alley exists, 1 driveway permitted per frontage (i)

B. Height	
Minimum Overall Height	1 story (j)
Maximum Overall Height	6 stories / 80'; 9 stories and 116' on corner parcels only; 15 stories / 188' along Superior street ^{1,2} (k)
Ground Story: Minimum Height	15' (l)
Maximum Height	24' (l)
Upper Stories: Minimum Height	9' (m)
Maximum Height	14' (m)

Notes:

¹ 15 Stories/188' height shall be measured from Superior Street

² 15 Stories permitted from Mesaba Ave to N 4th Ave E on W Superior Street

³ If 20' or more in height, Ground Story shall count as 2 Stories towards maximum building height.

C. Uses	
Ground Story	Refer to Section 3. Permitted Uses (n)
Upper Story	Refer to Section 3. Permitted Uses (o)
Parking within Building	Permitted in the rear of all floors and fully in any basement (p)

Corridor Building III

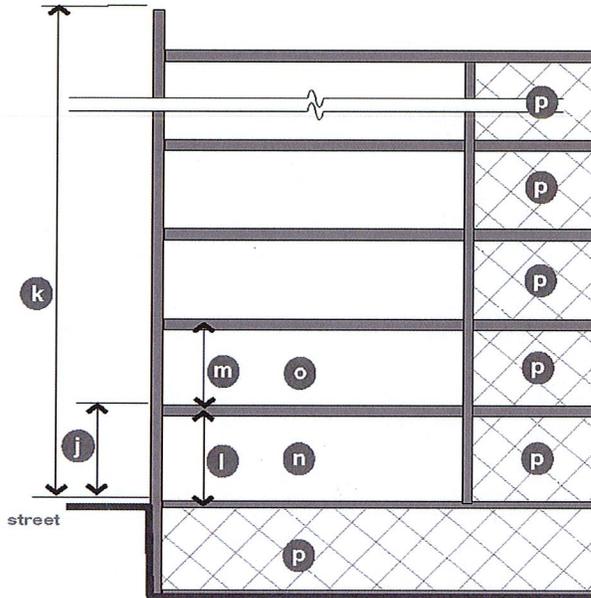


Figure 50-22.14(B): Height & Use Requirements.

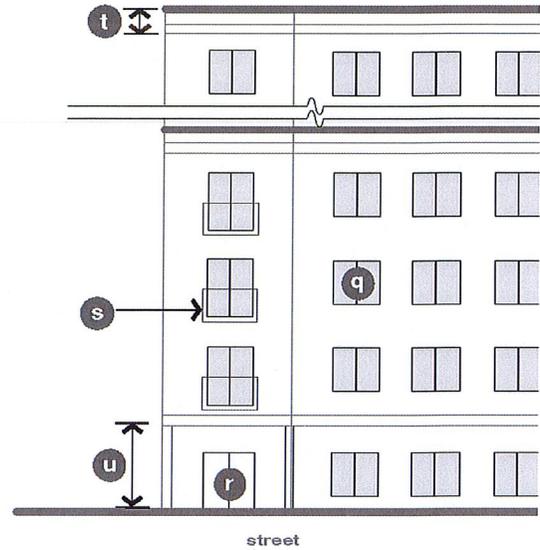


Figure 50-22.14(C): Façade Requirements.

Occupied Space	30' depth space required on all floors facing Primary Streets and on ground floor facing Secondary Streets
D. Street Façade Requirements	
1. Transparency (q)	
Minimum Transparency	20% per floor
Blank Wall Limitations	Required
2. Building Entrance	
Principal Entrance Location	Front or Corner Side Façade of Building (r)
Street Façades: Number of Entrances	1 per 75' of Front Façade
3. Balconies (if provided) (s)	
Size	Minimum 3' deep and 5' wide
Façade Coverage	Maximum 30% of Front & Corner Side Façades, calculated separately
Access to Balcony	Maximum one (1) dwelling unit

Structure	Independently secured and unconnected to other balconies; or integral to the Façade
E. Cap & Base Type Requirements	
Cap Type	Parapet, Flat Roof (t)
Tower	Permitted
Street Façade Base Type	Stoop (u)

Cottage Commercial I

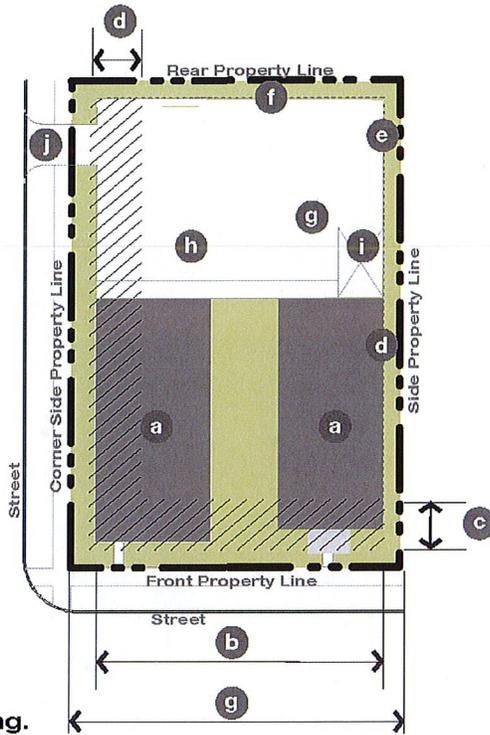


Figure 50-22.15(A): Building Siting.

A. Building Siting		
1. Street Frontage		
Multiple Principal Buildings	Permitted ¹	a
Front Build-to Zone Coverage	60%	b
Occupation of Corner	Required	
Front BTZ	5' to 20'	c
Corner BTZ	5' to 20'	d
2. Buildable Area		
Side Yard Setback	5'	e
Rear Yard Setback	5'	f
Minimum Lot Width	50'	g
Minimum Landscape Area	20%	
3. Parking Lot, Loading & Access		
Parking Lot Location	Rear Yard; Single side aisle permitted	h
Loading Facility Location	Rear Building Façade	i
Access	1 driveway permitted per frontage; 2 driveways may be permitted through [special exception] if frontage exceeds 200'	j

Notes:

¹ Each principal building shall have a width of less than 75' and meet the applicable requirements for the Building Type included in this Section.

B. Height		
Minimum Overall Height	1 story	k
Maximum Overall Height	2.5 stories / 33'	l
Ground Story. Minimum Height	15'	m
	Maximum Height ² 24'	
Upper Stories. Minimum Height	9'	n
	Maximum Height 14'	

Notes:

² If 20' or more in height, Ground Story shall count as 2 Stories towards maximum building height.

C. Uses		
Ground Story	Refer to Section 3. Permitted Uses	o
Upper Story	Refer to Section 3. Permitted Uses	p
Parking within Building	Permitted in the Rear of all Floors and fully in any Basement	q
Occupied Space	30' depth space facing Primary Street or space on front façade	

Cottage Commercial I

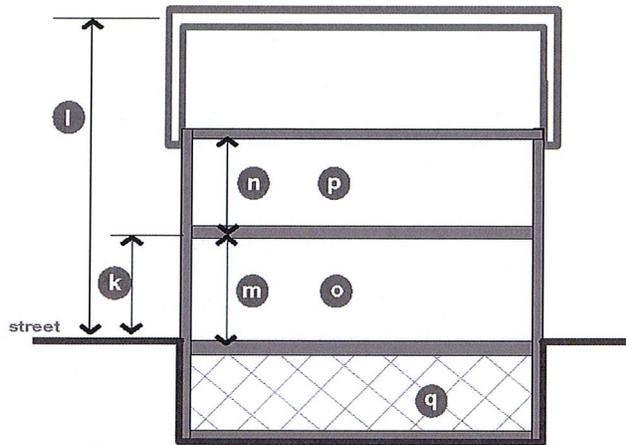


Figure 50-20.15(B): Height & Use Requirements.

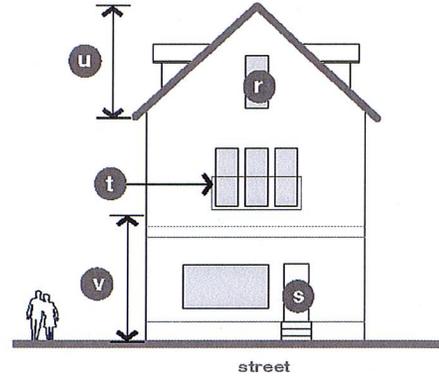


Figure 50-22.15(C): Façade Requirements.

D. Street Façade Requirements	
1. Transparency (r)	
Minimum Transparency	20% per floor
Blank Wall Limitations	Required
2. Building Entrance	
Principal Entrance Location	Front or Corner Side Façade of building (s)
Street Façades: Number of Entrances	Not required
3. Balconies (if provided) (t)	
Size	Minimum 3' deep and 5' wide
Façade Coverage	Maximum 30% of Front & Corner Side Façades, calculated separately
Access to Balcony	Maximum one (1) dwelling unit
Structure	Independently secured and unconnected to other balconies; or integral to the Façade

E. Cap & Base Type Requirements	
Cap Type	Pitched Roof (u)
Tower	Permitted
Street Façade Base Type	Shopfront, Porch, Stoop ³ (v)
Notes:	
³ Porch, Stoop, or stairs may encroach to within 2' of the property line	

Cottage Commercial II

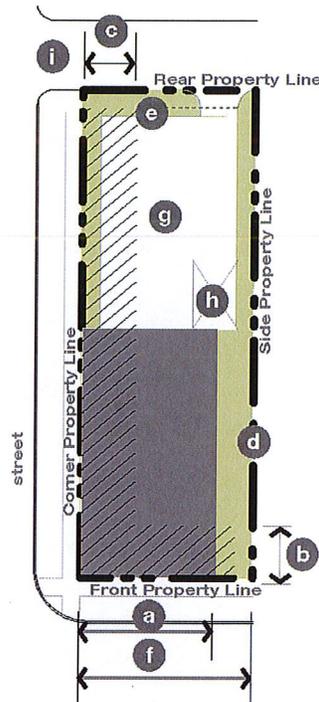


Figure 50-22.16(A): Building Siting.

A. Building Siting	
1. Street Frontage	
Multiple Principal Buildings	Not permitted
Front Build-to Zone Coverage	60% (a)
Occupation of Corner	Required
Front BTZ	0' to 15' (b)
Corner BTZ	0' to 15' (c)
2. Buildable Area	
Side Yard Setback	0' (d)
Rear Yard Setback	5' (e)
Minimum Lot Width	50' (f)
Minimum Landscape Area	20%
3. Parking Lot, Loading & Access	
Parking Lot Location	Rear Yard (g)
Loading Facility Location	Rear Building Façade (h)
Access	No driveway permitted if alley access is available; If no alley exists, 1 driveway permitted per frontage; 2 driveways may be permitted through [special exception] if frontage exceeds 200' (i)

B. Height	
Minimum Overall Height	1 story (j)
Maximum Overall Height	2.5 stories / 33' (k)
Ground Story: Minimum Height	15' (l)
Maximum Height	24'
Upper Stories: Minimum Height	9' (m)
Maximum Height	14'
Notes:	
If 20' or more in height, Ground Story shall count as 2 Stories towards maximum building height.	

C. Uses	
Ground Story	Refer to Section 3. Permitted Uses (n)
Upper Story	Refer to Section 3. Permitted Uses (o)
Parking within Building	Permitted in the Rear of all Floors and fully in any Basement (p)
Occupied Space	30' depth space facing Primary Street or space on front façade

Cottage Commercial II

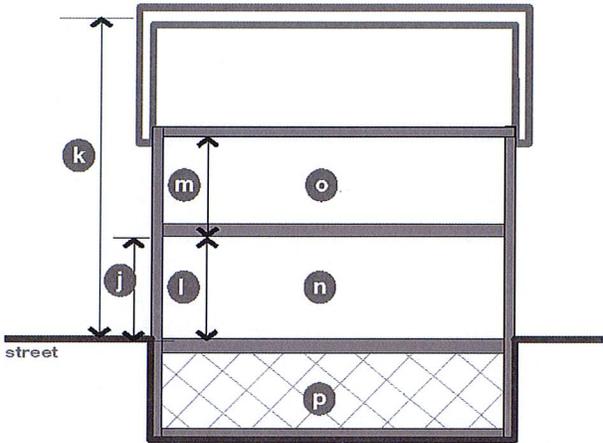


Figure 50-22.16(B): Height & Use Requirements.

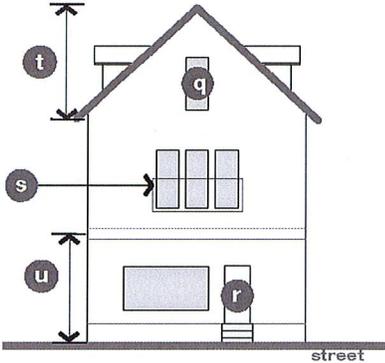


Figure 50-22.16(C): Façade Requirements.

D. Street Façade Requirements

1. Transparency		q
Minimum Transparency	20% per floor	
Blank Wall Limitations	Required	
2. Building Entrance		
Principal Entrance Location	Front or Corner Side Façade of Building	r
Street Façades: Number of Entrances	Not required	
3. Balconies (if provided)		s
Size	Minimum 3' deep and 5' wide	
Façade Coverage	Maximum 30% of Front & Corner Side Façades, calculated separately	
Access to Balcony	Maximum one (1) dwelling unit	
Structure	Independently secured and unconnected to other balconies; or integral to the Façade	

E. Cap & Base Type Requirements

Cap Type	Pitched Roof	t
Tower	Permitted	
Street Façade Base Type	Shopfront, Porch, Stoop	u

Iconic Building

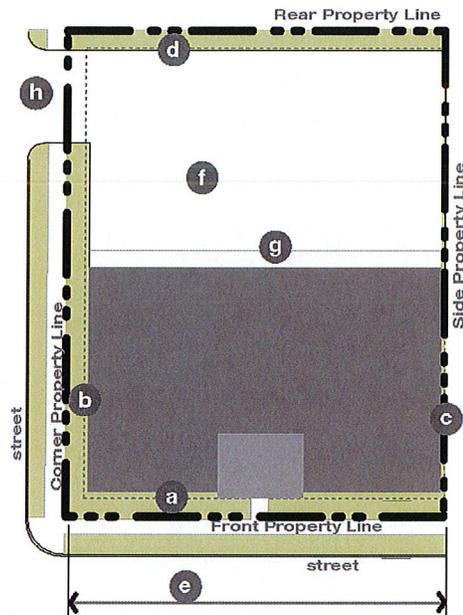


Figure 50-22.17(A): Building Siting.

A. Building Siting	
1. Street Frontage	
Multiple Principal Buildings	Permitted
Front Build-to-Zone Coverage	Not Applicable
Occupation of Corner	Not required
Front Setback	5' (a)
Corner Setback	5' (b)
2. Buildable Area	
Side Yard Setback	5' (c)
Rear Yard Setback	5' (d)
Minimum Lot Width	50' (e)
Minimum Landscape Area	20%
3. Parking Lot, Loading & Access	
Parking Lot Location	Rear Yard; Single aisle permitted in Side Yard (f)
Loading Facility Location	Rear Building Façade (g)
Access	1 driveway permitted per frontage; 2 driveways may be permitted through [special exception] if frontage exceeds 200' (h)

B. Height	
Minimum Overall Height	1 story (i)
Maximum Overall Height	4 stories / 45' (j)
Ground Story: Minimum Height	9' (k)
Maximum Height	30'
Upper Stories: Minimum Height	9' (l)
Maximum Height	14'

Notes:

If 20' or more in height, Ground Story shall count as 2 Stories towards maximum building height.

C. Uses	
Ground & Upper Stories	Only Civic, Institutional, Infrastructure, and Open Space and Recreation uses are permitted in the Iconic Building Type (see Section 3. Permitted Uses). (m)
Parking within Building	Permitted in the Rear of all Floors and fully in any Basement
Occupied Space	30' depth space facing Primary Street or space on front façade

Iconic Building

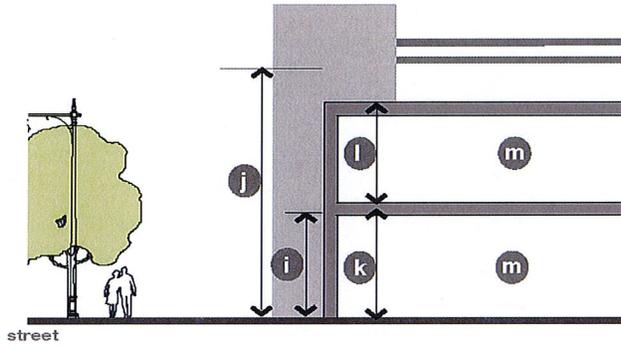


Figure 50-22.17(B): Height & Use Requirements.

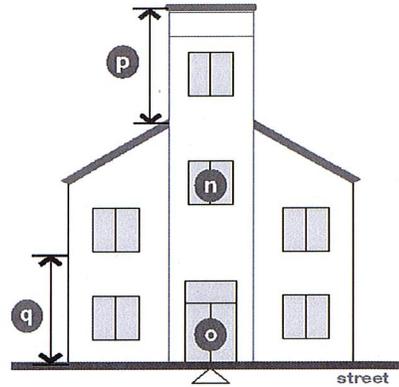


Figure 50-22.17(C): Facade Requirements.

D. Street Façade Requirements	
1. Transparency (n)	
Minimum Transparency	20% per floor
Blank Wall Limitations	Required
2. Building Entrance	
Principal Entrance Location	Front or Corner Side Façade of Building (o)
Street Façades: Number of Entrances	Not required

E. Cap & Base Type Requirements	
Cap Type ²	Parapet, Pitched Roof, Flat Roof (p)
Tower	Permitted
Street Façade Base Type	Stoop (q)
Notes:	
² Other cap types not listed here may be approved through a [special exception] (see Section XX)	

50-24.2 Required Parking Spaces

In all districts there shall be provided, at the time any building or structure is erected, except as provided in Section 50-24.5 Calculation of Parking Spaces, the number of off-street parking spaces shown in Table 50-24-1, unless an exemption from or variation of this requirement is provided in another section of this Chapter.

Table 50-24-1: Off-Street Parking Spaces Required	
Use	Requirement* (May Be Adjusted To 30% Less or 50% More)
RESIDENTIAL USES	
Dwelling, one-family	1 space per dwelling unit
Dwelling, two-family	
Dwelling, townhouse	
Dwelling, live-work	
Co-housing facility	
Dwelling, Multi-family	1 space per dwelling unit
Assisted living facility (elderly)	1 space per 3 habitable units
Residential care facility	1 space per 9 residential care beds, but not less than 2 spaces
Rooming house	1 space per habitable unit
PUBLIC, INSTITUTIONAL, AND CIVIC USES	
Bus or Rail Transit Station	No requirement
Business, art, or vocational school	1 parking space for each 8 seats in the main auditorium or 3 spaces for each classroom, whichever is greater
Cemetery or mausoleum	No requirement
Club or lodge (private)	1 space per 400 2.5 spaces per 1,000 sq. ft. of floor area
Government building or public safety facility	As determined by land use supervisor based on anticipated use and neighborhood impacts
Hospital	2 spaces per 1,000 sq. ft.
Medical or dental clinic	4 spaces per 1,000 sq. ft. of gross floor area
Museum, library, or art gallery	1 space per 1,000 sq. ft. of gross floor area
Nursing home	1 space per 6 beds
Park, playground, or forest reserve	No requirement
Religious assembly	1 space per 4 seats or per 100 sq. ft. in main auditorium, whichever is greater
School, elementary	1 parking space for each 10 seats in the auditorium or main assembly room or 1 space for each classroom, whichever is greater
School, middle or high	1 parking space for each 8 seats in the main auditorium or 3 spaces for each classroom, whichever is greater
University or college	1-2 space per 500 1,000 sq. ft. of office, research, and library area plus 1 space per 1 space per 125 sq. ft. of auditorium space.
Other community facility or institutional support uses not listed	As determined by land use supervisor based on anticipated use and neighborhood impacts
COMMERCIAL USES	
Adult book store	2.5 spaces per 1,000 sq. ft. of gross floor area
Adult entertainment establishment	1 per 200 5 spaces per 1,000 sq. ft. of gross floor area
Agriculture	No requirement
Automobile filling station	1 per 250 sq. ft. gross floor area plus 1 per service stall
Automobile and light vehicle repair and service	1 per 500 2 spaces per 1,000 sq ft. of gross floor area
Automobile and light vehicle sales, rental, or storage	1 per 500 2 spaces per 1,000 sq ft. of gross floor area
Bank	2.5 spaces per 1,000 sq. ft of gross floor area

50-24: Parking and Loading

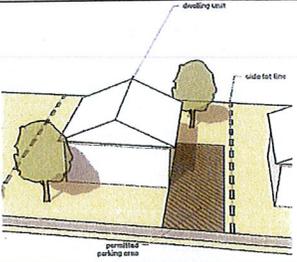
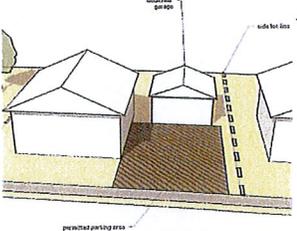
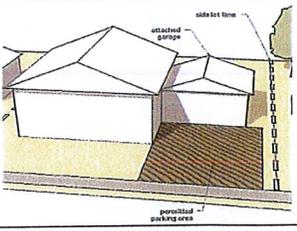
Table 50-24-1: Off-Street Parking Spaces Required

Use	Requirement* (May Be Adjusted To 30% Less or 50% More)
Bed and breakfast	1 space for manager plus 1 space per habitable unit
Building material sales	1 space per 1,000 sq. ft. of gross floor area
Business park support activities	1 per 500 2 spaces per 1,000 sq. ft. of gross floor area
Convention and Event Center	1 space per 4 seats or per 100 sq. ft. in main auditorium, whichever is greater
Day care facility	1 space per 5 persons care capacity
Data Center	1 space per 1,000 sq. ft. of gross floor area
Filling station	4 space per 1,000 sq. ft. gross floor area plus 1 per service stall
Funeral home or crematorium	1 space per 50 square feet of floor space in slumber rooms, parlors, or individual funeral service rooms
Garden material sales	1 space per 1,000 sq. ft. of gross floor area
Grocery Store	3 spaces per 1,000 sq. ft. of gross floor area
Golf course	1 space for every 400 2.5 spaces per 1,000 square feet of clubhouse area
Hotel or motel	2 spaces per 3 guest rooms plus 1 per 200 sq. ft. of gross floor area in all accessory uses including restaurants and meeting rooms
Indoor entertainment facility	1 space per 400 2.5 spaces per 1,000 sq. ft. of gross floor area.
Kennel	1 space per 1,000 sq. ft. of gross floor area
Marina or yacht club	1 per 400 2.5 spaces per 1,000 sq. ft. of clubhouse area, plus 1 per 10 boat slips
Mini-storage facility	1 spaces per 20 storage units
Office	2.5 spaces per 1,000 sq. ft. of gross floor area
Parking lot or parking structure (primary use)	No requirement
Personal service or repair	2.5 spaces per 1,000 sq. ft. of gross floor area
Preschool	1 space per 5 persons care capacity
Restaurant (no drive-in/drive through)	1 per 200 5 spaces per 1,000 sq. ft. of gross floor area
Restaurant (drive-in/drive through)	1 per 200 sq. ft. of gross floor area
Retail store not listed elsewhere	3 spaces per 1,000 sq. ft. of gross floor area
Riding Stable	No requirement
Seasonal camp or cabin	1 space for every two beds, or for each cabin or sleeping unit, whichever is greater
Theater	1 space per 6 seats or per 100 sq. ft. in main auditorium, whichever is greater
Tourist or trailer camp	2 spaces per 3 sleeping rooms, suites, or trailer spaces
Truck or heavy vehicle sales, rental, repair, or storage	1 space per 1,000 sq. ft. of gross floor area
Vacation Dwelling Unit	1 space for 1-2 bedrooms, 2 spaces for 3-4 bedrooms, 3 spaces for 5+ bedrooms
Veterinarian or animal hospital	1 per 400 2.5 spaces per 1,000 sq. ft. of gross floor area
Personal service or repair not listed	1 per 400 sq. ft. of gross floor area
Other commercial use not listed	As determined by land use supervisor based on anticipated use and neighborhood impacts
INDUSTRIAL USES	
Airport and related facilities <ul style="list-style-type: none"> • Electric power or heat generation plant • Electric power transmission line • Junk and salvage services • Major utility or wireless communication tower • Radio or television broadcasting tower • Railroad or shipyard and related 	As determined by airport management No requirement

Table 50-24-1: Off-Street Parking Spaces Required

Use	Requirement* (May Be Adjusted To 30% Less or 50% More)
facilities <ul style="list-style-type: none"> • Solar or geothermal power facility (primary use) • Truck freight or transfer terminal • Water or sewer works • Wind power facility (primary use) • Bulk storage not listed 	
<ul style="list-style-type: none"> • Contractor's shop and storage yard • Dry cleaning or laundry plant • Recycling collection point (primary use) • Solid waste disposal or processing facility 	1 per 1,000 sq. ft. of gross floor area
<ul style="list-style-type: none"> • Manufacturing, light Manufacturing, heavy Manufacturing, hazardous or special • Storage warehouse • Water-dependent manufacturing, light or heavy • Wholesaling 	1 per 1,000 sq. ft. of gross floor area
Research laboratory	As determined by land use supervisor based on anticipated use and neighborhood impacts
Other Industrial uses not listed	As determined by land use supervisor based on anticipated use and neighborhood impacts
ACCESSORY USES	
Accessory bed and breakfast	1 space for primary use dwelling; plus 1 space per habitable unit
Accessory caretaker quarters	1 space
All other accessory uses	No requirement
TEMPORARY USES	
Temporary real estate sales office	2 spaces
All other temporary uses	No requirement

*The Parking Space Requirement May be Modified by Section 50-18.5 (Higher Education Overlay District), Section 50-24.3 (Adjustment to Required Off-Street Parking), and 50-24.4 (Maximum Parking Spaces)

Table 50-24-3: Permitted Parking Areas	
Type of Lot	Permitted Parking Area
Residential Districts	
All Lots	The rear yard and one side yard
Non-corner lot with dwelling unit and no garage	<p>The rear yard, and the area between one side lot line and the nearest side wall of the dwelling unit and its extension to the improved street abutting the front yard. (See diagram to the right)</p> 
Non-corner lot with dwelling unit and detached garage	<p>The rear yard, and the area between the closest side lot line to the side wall of the dwelling unit nearest to the garage, and its extension to the improved street abutting the front yard. (See diagram to the right)</p> 
Non-corner lot with dwelling unit and attached garage	<p>The rear yard, and the area between the closest side lot line to the common wall separating the dwelling unit and garage, and its extension to the improved street abutting the front yard. (See diagram to the right)</p> 
Corner lot	The rear yard and one side yard, or Bby variance per Section 50-37.9
Mixed Use and Special Purpose Districts	
All Mixed Use and Special Purpose Districts	Buildings or projects constructed after November 19, 2010, shall locate no more than 50% of off-street accessory parking within the front yard.
Form Districts	Parking only permitted on those portions of the lot permitted for the building type being constructed pursuant to Sections 50-16 and 50-22.

50-24.6 Parking Design Standards

A. General Standards

The design of required off street parking areas and spaces shall meet the standards shown in Table 50-24-4.

Table 50-24-4: Parking Design Standards		
Parking Space Size*		
Size of Car	Minimum Size of Parking Space	
Small	8.5 ft. x 15 ft.	
Standard	9 ft. x 17 ft.	
Aisle Widths		
Angle of Parking	Minimum Width of Aisle	
	One-Way	Two-Way
Parallel/no parking	11 ft.	21 ft.
30 degree	11 ft.	21 ft.
45 degree	13 ft.	23 ft.
60 degree	18 ft.	25 24 ft.
75 degree	20 ft.	24 ft.
90 degree	24 20 ft.	25 24 ft.
Permitted Percentage of Small Car Spaces (Applies to lots with more than 5 spaces)		
Size of Parking Lot	Maximum Percentage of Small Cars	
6 to 100 spaces	40%	
100 to 149 spaces	45%	
150 or more spaces	50%	
Required Surface Treatment/Paving		
Zone District	Requirement	
All residential district parking areas not in lawful existence on June 1, 2009.	Surfaced in a dust free, hard surface material such as concrete or bituminous, or pervious paving materials, except for rear yards, which may be surfaced in aggregate materials, compressed aggregates or similar surfaces.	
All Mixed Use and Special Purpose Districts	All parking areas shall be surfaced in a dust free, hard surface material such as concrete or bituminous. Pervious paving material shall be approved by the city engineer.	

*The area set aside for a parking space may encroach beyond the face of a curb a maximum of 1.5 ft., provided that (a) it does not include trees, posts, or other obstructions that would prevent a vehicle from fully utilizing the space, and (b) it is not included in required open space, landscape area requirements, or required pedestrian walkways.

B. Parking Lot and Driveway Entrances

All parking lot and driveway entrances must conform to the design specification regulations of the City Engineer.

BC Snow Storage Areas

A portion of the each accessory surface parking area shall be designated for snow storage. The areas required to meet the minimum parking requirements of this Section 50-24 shall not be used for snow storage. Snow storage areas may be landscaped if the vegetation is selected and installed so as not to be harmed by snow storage. Snow storage areas shall not count towards those landscape areas required by Section 50-25 unless they are integrated with a side or rear buffer required by Section 50-25.

CD Parking Lot Walkways

Each surface parking area that (a) serves a multi-family residential, commercial, public, institutional, civic, or mixed use, and (b) contains 50 or more parking spaces, and (c) contains any parking spaces located more than 300 ft. from the front façade of the building shall contain at least one pedestrian walkway allowing pedestrians to pass from the row of parking furthest from the primary building façade to the primary building entrance or a sidewalk allowing the pedestrian to reach the primary building entrance without crossing additional driving spaces or aisles. The required walkway must be at least 5 ft wide, shall not be located within a driving aisle, and shall be located in a landscaped island running perpendicular to the primary building façade if possible. If located in a landscaped island, the minimum width of the island shall be increased by 5 ft. to accommodate the walkway without reducing the amount of landscaped area. If any parking space in the parking aisle located furthest from the primary structure is more than 200 ft. from the walkway, additional similar walkways shall be required within 200 ft. of those spaces. If there is a public sidewalk along the street frontage located within 50 ft. of any required walkway, the walkway shall connect to that sidewalk.

50-24.7 Required Loading Space

Unless otherwise provided in this Chapter, all construction of new buildings or expansions of existing buildings shall provide off street loading space shown in Table 50-24-5 below.

Table 50-24-5: Off-Street Loading Space Standards

Type of Use or Facility	Off-Street Loading Requirement
Office, hotel or motel Personal service and repair not otherwise listed; building material sales; garden material sales; retail store not listed (large); automobile and light vehicle repair and service, automobile and light vehicle sales, rental, or storage; truck or heavy vehicle sales, rental, repair, or storage; wholesaling.	1 space for 20,000 sq.ft. of gross floor area 1 space for 20,000-50,000 sq.ft. of gross floor area; and 2 spaces for more than 50,000 sq.ft. gross floor area.
Manufacturing	1 space for 25,000 to 50,000 sq.ft. of gross floor area; 2 spaces for more than 50,000 sq.ft. of gross floor area.

50-27.6 Signs and Activities Exempt from Permit Requirements

A. Alteration and Maintenance Operations

The following activities are exempt from a zoning permit:

1. Painting, repainting, cleaning, and/or other normal maintenance and repair of a sign, not involving structural alterations or changes in the electrical components of the sign. Repairs to existing permitted illumination components are also exempt from sign permit requirements.
2. Changing of the message of an existing changeable message sign or electronic message sign.
3. Changing the sign face within an existing legal sign structure, provided no alterations are made to the sign structure and the sign area, sign height or any other dimension of the sign.

B. Illumination

No exempt sign may be illuminated, except for the following:

1. Uplighting of official federal, state, county or city flags.
2. Lighting of official federal, state, county or city government signs as needed by the government body.

C. Exempt Permanent Signs

This section describes the types of permanent signs that are allowed without a zoning permit. All exempt signs must comply with all the regulations of this section. Exempt permanent signs are subject to the regulations of Table 50-27-1: Exempt Permanent Sign Regulations.

Table 50-27.1: Exempt Permanent Sign Regulations

Sign	Permitted District or Use	Permitted Sign Type	Maximum Size	Maximum Height (Freestanding Signs)	Required Setback or Location (Freestanding Signs)	Number Per Lot
Agricultural Identification Sign	All agricultural uses	Freestanding or wall	RC, RR-1, RR-2: 20 sf. All other districts: 6 sf	6'	20' from front lot line & 10' from any other lot line	1 per street frontage
Bed and Breakfast	Bed and breakfast uses	Freestanding or wall	12 sf	7'	5' from any lot line	1 per lot
Building Directory Sign	All multi-family & non-residential uses	Freestanding or wall	6 sf	7'	Within 10' of building entry	1 per building entry
Day Care Facility	Residential zone districts	Wall or non-illuminated lawn sign	6 sf	7'	5' from any lot line	1 per lot
Flags – Federal, State or Local	All districts and uses	Freestanding	No Limit	No limit	5' from any lot line	No limit
Flags – Commercial	All non-residential uses	Freestanding	16 sf	Flagpole limited to maximum height of zoning district	5' from any lot line	1 per lot
Government Information Sign (Federal, State, County or City)	All districts and uses	Freestanding or wall	No Limit	No Limit	No Limit	No Limit
Home Occupation Sign	All residential dwelling uses and permitted accessory uses	Wall, window or freestanding including mounting on private lightposts	4 sf	4'	5' from any lot line	1 per lot
Memorial Plaque	All districts and uses	Freestanding or wall	No limit	Limited to maximum height of zoning district	5' from any lot line	1 per lot
Nameplate	All districts and uses	Wall	4 sf	(Not Applicable)	(Not Applicable)	1 per lot
Parking Lot Directional Sign	All parking lots and structures	Freestanding	4 sf	7'	0' from any lot line	No limit
Parking Lot Information Sign	All parking lots and structures	Freestanding or wall	16 sf	12'	0' from any lot line	3 per access point
Property Identification Sign	All multi-family residential uses	Wall	4 sf	(Not Applicable)	(Not Applicable)	1 per lot
Public Information Sign	The following uses: All educational facilities; cemetery or mausoleum; museum, library or art gallery; park, playground or forest reserve	Freestanding or wall	No limit	No limit	No limit	No limit
Public Information School and Field Identification Sign	All districts. K-12 public and private schools. Only to identify name of school, recreation field, or athletic team.	Non illuminated wall sign	No limit	No limit	No limit	No limit

Table 50-27.1: Exempt Permanent Sign Regulations

Sign	Permitted District or Use	Permitted Sign Type	Maximum Size	Maximum Height (Freestanding Signs)	Required Setback or Location (Freestanding Signs)	Number Per Lot
Permanent Window Sign	All non-residential uses	Window	Temporary & permanent signs (combined) are limited to 30% coverage of each window	(Not applicable)	(Not applicable)	(Not applicable)
Time and Temperature Sign (Electronic)	All non-residential uses	Must be integrated into primary freestanding or wall sign	20% of sign area of free-standing or wall sign, or if stand-alone sign, 6 sf	(Not Applicable)	(Not Applicable)	1 per lot

D. Exempt Temporary Signs

This section describes the types of temporary signs that are allowed without a zoning permit. All exempt signs must comply with all the regulations of this section.

1. Exempt temporary signs are subject to the display periods in Table 50-27-2: Permitted Display Period.
2. Exempt temporary signs are subject to the regulations of Table 50-27-3: Exempt Temporary Sign Regulations.

Table 50-27.2: Exempt Temporary Sign Permitted Display Period Regulations

Sign	Permitted Display Period
Attention-Getting Device	When related to a time-specific event: Combined display period of 14 days prior to the event, the time period of the event and 2 days following the event. When not related to a time-specific event: 10 days Limited to no more than 4 display periods in a year, with a minimum of 30 days between displays
Banner (General)	When related to a time-specific event: Combined display period of 14 days prior to the event, the time period of the event and 2 days following the event When not related to a time-specific event: 30 days Limited to no more than 4 display periods in a year, with a minimum of 30 days between displays
Community Event Sign	Limited to no more than 4 display periods in a year for a total aggregate display time of 20 days per year
Construction Sign	Erected only after approval of a building permit and must be removed within 7 days of issuance of an occupancy permit or completion of construction, whichever occurs first
Non-Commercial Message Sign	General: No display period limitation Election: Signs of any size related to an election or referendum may be posted in any number from 46 days before the state primary in a state general election year until 10 days following the state general election
Real Estate Sign	All real estate signs may only be erected on the specific property offered for sale or lease or the property holding an open house. Real estate for sale/lease signs: Posted for the duration the property is offered for sale or lease, and must be removed within 7 days of closing or lease Real estate open house signs: Only during the day of the open house and must be removed within 2 hours of the end of the event
Temporary Window Sign	Limited to no more than 4 display periods in a year for a total aggregate display time of 60 days per year

Table 50-27.3: Exempt Temporary Sign Regulations

Sign	Permitted District or Use	Permitted Sign Type	Maximum Size	Maximum Height (Freestanding Signs)	Required Setback or Location (Freestanding Signs)	Number Per Lot
Attention-Getting Device	Nonresidential uses in MU-C	Freestanding	10 sf	6'	10' from any lot	1 per lot
Banner (general)	Non-residential uses	Wall or retaining wall	32 sf	(Not applicable)	(Not applicable)	1 per lot
Community Event Sign	All districts and uses	Freestanding or wall	10 sf	6'	10' from any lot	1 per lot
Construction Sign	All districts and uses	Freestanding or wall	50 sf	6'	10' from any lot	50 sf total per street frontage
Non-Commercial Message Sign, Election	All districts and uses	Freestanding, wall or retaining wall	No limit	No limit	No limit	No limit
Non-Commercial Message Sign, General	All districts and uses	Freestanding, wall or retaining wall	64 sf	6'	No limit	1 per street frontage
Real Estate Sign	All districts and uses	Freestanding or wall	Residential Districts: 4 sf All Other Districts: 12 sf	5'	10' from any lot	1 per street frontage
Temporary Window Sign	All nonresidential uses	Window	Temporary & permanent signs (combined) are limited to 30% coverage of each window	(Not applicable)	(Not applicable)	(Not applicable)

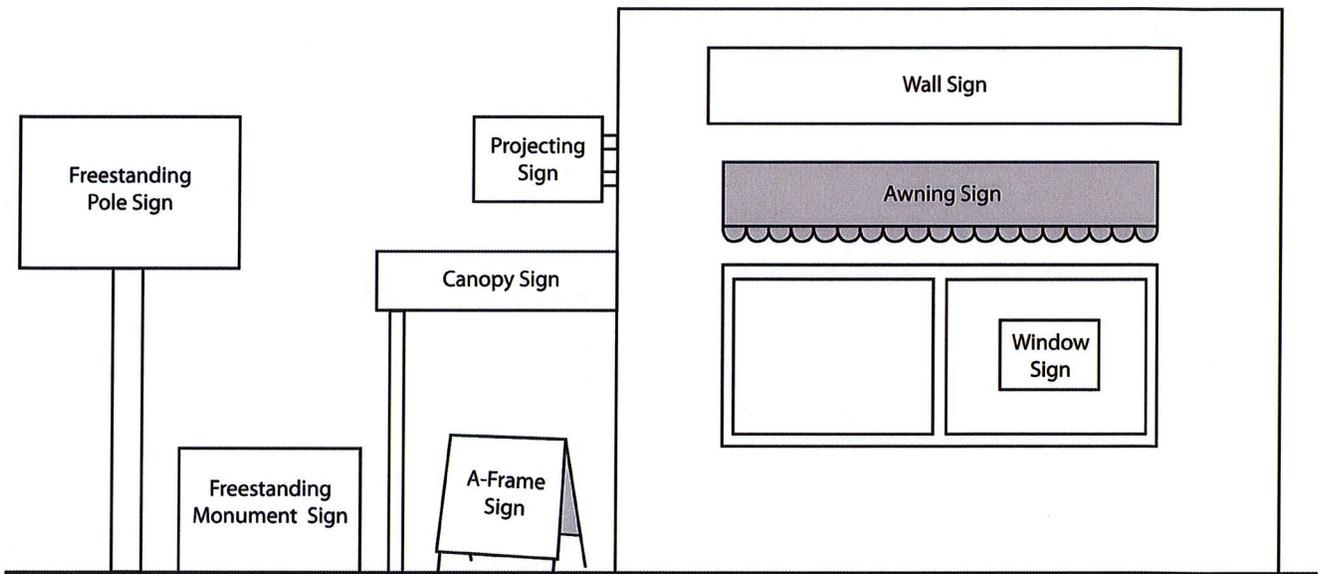


Figure 50-27.6-A: Examples of Common Sign Types

- C. Through lots or double-frontage lots shall be avoided as far as practicable, but may be permitted when necessary to allow efficient use of the land in light of site topography.

50-33.4 General Lot Design and Layout

- A. All lots shall have frontage on a public street unless that is impracticable due to topography and the ~~city engineer~~ Land Use Supervisor approves an alternative layout based on considerations of public safety and land use efficiency.
- B. Where practicable, side lot lines shall be at approximately right angles to the street on which the lot fronts.
- C. Where practicable, adjacent lots shall not be platted so that their long axes are at right angles to each other.
- D. No strips of land shall be platted for private ownership that control access to public streets or that are untaxable for special improvements.
- E. Where practicable, lots shall be oriented so that the long axis of the lot is within 15 degrees of east-west in order to increase solar orientation.
- F. Flag lots are prohibited in R-1, R-2, and MU-N zone districts.

50-33.5 Specific Layout Standards for R-C, RR-1 and RR-2 Districts

- A. When (i) a tract or parcel of land in the R-C or RR-1 districts, or (ii) a parcel of land in the RR-2 districts with sewer service, is proposed for platting to create five or more residential building lots, those lots shall be clustered as described in this section in order to retain the open character of the land and reduce the amount of the tract occupied by building sites.
- B. When these clustering requirements apply:
 - 1. The applicant may create only as many residential building lots as would be permitted under the minimum lot size provisions of Sections 50-14.2, 50-14.3 or 50-14.4;
 - 2. If the parcel does not have sewer service, the minimum lot size for residential use shall be 2 acres and the maximum lot size shall be two- and-one-half acres. All new residential lots shall be clustered in close proximity to each other on a portion of the property that complies with the siting requirements of Section 50-21.2 so that the shortest line around the outer perimeter of all new residential lots encloses an area of land that:
 - a. In the R-C district, totals less than 20% of the total parcel being subdivided;
 - b. In the RR-1 district, totals less than 50% of the total parcel being subdivided;
 - 3. If the parcel has sewer service, the minimum lot size for residential use shall be one-half acre and the maximum lot size shall be one acre. All new residential lots shall be clustered in close proximity to each other on a portion of the property that complies with the siting requirements of Section 50-21.2 so that the shortest line around the outer perimeter of all new residential lots encloses an area of land that:
 - a. In the R-C district, totals less than 15% of the total parcel being subdivided;
 - b. In the RR-1 district, totals less than 25% of the total parcel being subdivided;
 - c. In the RR-2 district, totals less than 50% of the total parcel being subdivided;

ARTICLE FIVE: ADMINISTRATION & PROCEDURES

This section is intended to comply with all applicable provisions of MSA Chapter 462, as amended, and shall be interpreted to comply with those provisions wherever possible.

50-35 SUMMARY TABLE

TABLE 50-35-1: PROCEDURES SUMMARY TABLE									
Type of Application	Review, Decision, & Appeal Authority								
R = Review A = Appeal S = Sign Notice N = Newspaper Notice RES = Resolution AL= Action Letter COA = Certificate of Appropriateness	D = Decision <> = Hearing M = Mail Notice ORD = Ordinance	Public Notice Required	Pre-Application Required	Staff	Land Use Supervisor	Historic Preservation Commission	Planning Commission	Council	Final Action
Comprehensive Land Use Plan		N			R		<R>	D	RES
UDC Text or Zoning Map Amendment									
Text Amendment		N			R		<R>	D	ORD
Map Amendment		N, S,	✓		R		<R>	D	ORD
District Plan Adoption/Amendment		S	✓		R		<D>	<A>	
Subdivision Plat Approval									
Concept Plan			✓		R				**
Preliminary Plat		S			R		<D>		AL
Final Plat					R		<D>		AL***
Quick Plat/Registered Land Survey		S			R		D<D>		AL***
Vacation of Street		S, M	✓		R		<R>	D	RES
Concurrent Use of Streets Permit		S	✓		R		<R>	D	ORD
Historic Resource Designation		M				<R>	R	D	ORD
Variance		S, M		R			<D>	<A>	AL
Special Use Permit		S, M	✓		R		<D>	<A>	AL
Interim Use Permit		S, M	✓		R		<R>	D	RES
Planning Review									
General Planning Review					D		<A>		AL
Planning Commission Review When required in MU-C, MU-W, MU-I Zoning Districts and HE-O Overlay District R-2 and Mixed Use Districts		S, M	✓		R		<D>	<A>	AL
Temporary and Sidewalk Use Permit					D		<A>		AL
Zoning Permit****				D			<A>		AL
Historic Construction/Demolition Permit		S				<D>		<A>	COA
Wetland/WCA Permits				D			<A>		AL

* Mailed notice is required to affected property owners within 350 ft. when the amendment involves changes in district boundaries affecting an area of 5 acres or less.

** Planning staff will provide applicant with a pre-application verification.

*** Applicant must provide documentation that the final plat or RLS has been recorded with the County Recorder.

****This category includes shoreland permit, erosion and sediment control permit, sign permit, fence permit and airport environs permits. Appeals of Airport Environs Permits related to Duluth International Airport are heard by the airport board of adjustment.

50-37 REVIEW AND APPROVAL PROCEDURES

50-37.1 Common Procedures and Requirements

A. Pre-Application Meetings

A pre-application meeting is an informal discussion between a potential applicant, interested citizen, city staff and the historic preservation commission (if applicable) regarding a possible project subject to this Chapter. The purpose of the pre-application meeting is to assist the applicant by identifying the types of approval needed to complete the project, application material and impact studies required, applicable comprehensive plan provisions and applicable review criteria. A pre-application meeting may include a site visit at the request of the city. Pre-application meetings are required for the following types of applications:

1. UDC zoning map amendment;
2. District plan adoption or amendment;
3. Subdivision concept plan;
4. Vacation of street;
5. Concurrent use of streets permit.
6. Historic resource designation;
7. Special use or interim use permit.

B. Authority to File Applications

1. A property owner or a contract purchaser may apply for any type of permit or approval unless a more specific application is stated in this Section 50-37.1.B or in Sections 50-37.2 through 16 below. In the event of a conflict between the provisions of this Section 50-37.1.B and the provisions of Sections 50-37.2 through 16, the provisions of Sections 50-37.2 through 16 shall govern.
2. An agent of the property owner, or a resident of the property, may apply for any type of permit or approval provided the agent or resident has written authority of the property owner to do so.
3. Applications for designation of a historic resource are governed by Section 50-37.8.
4. Any person may request an interpretation of this Chapter, and the land use supervisor may issue interpretations of this Chapter as needed and shall post issued interpretations on the city web site.

C. Application Materials and Fees

1. Each application for a permit or approval, or for a modification of a permit or approval, pursuant to this Chapter, shall include all those application materials listed for that type of application or modification listed in the UDC Application Manual for this Chapter and a fee in the amount listed for that type of application or modification shown in the latest schedule of fees approved by council.
2. The city may reject applications not meeting the requirements of this Chapter, the UDC Application Manual, or as required or authorized by MSA 15.99.
3. Any and all representations made by the applicant to the city on the record during the application process, whether written or verbal, shall be deemed a part of the application and may be relied upon in good faith by the city.

4. The schedule of fees shall be adopted from time to time by the council by resolution, pursuant to Section 31-6 of the code, to defray estimated staff costs and expenses of processing applications.
5. The schedule of fees may provide for additional fees if an applicant submits more than two applications that are incomplete, pursuant to Section 50-37.1.D below, for the same proposed development.
6. All fees are non-refundable regardless of whether the applicant withdraws the application prior to a decision or whether the application is approved, approved with conditions or denied.

D. Determination of Completeness

A determination of completeness shall be made for each application pursuant to MSA 15.99.

E. Inactive Complete Applications

If an application has been determined to be complete, but review of the application reveals possible additional impacts on the surrounding area, any request by the city for additional materials necessary to evaluate those impacts shall comply with the provisions of MSA 15.99.

F. Withdrawal of Applications

An applicant may withdraw an application at any time prior to a decision by the city by filing a written request to withdraw the application with the city. Any resubmission is subject to the provisions of subsection 50-37.1.G below. If the application is later resubmitted, it shall be treated as a new application for purposes of review and scheduling. Any fees paid for a withdrawn application shall not be refunded.

G. Successive Applications

If an application pursuant to this Chapter has been denied by the city, an application requesting the same or essentially the same approval shall not be accepted during the next 12 months.

H. Public Notice

1. Types of Notice

The city uses one or more of the following methods to notify the public about pending applications where there is an opportunity for public comment on the application. The type(s) of notice provided for different types of applications are shown in Table 50-35-1.

- (a) **Newspaper notice** means the publication of one notice in a newspaper of general circulation within the city at least 10 days before the date of the public hearing, except in the case of amendments to the text of this Chapter or zoning map, in which case the notice shall be published at least once each week for three successive weeks before the date of the public hearing.
- (b) **Mailed notice** means a letter mailed by first class mail to property owners within 350 feet of the applicant's parcel at least 10 days prior to the date of the public hearing. In the case of an application for vacation of a street, the notice shall be mailed to the owners of all properties abutting (a) the portion of the street proposed to be vacated, and (b) the portion of that street extending 350 ft. from the ends of the portion proposed to be vacated. In the case of an application for rezoning an area of 5 acres or less, the notice shall be mailed to each property owner in the area to be rezoned and each

owner of property located partly or entirely within 350 ft. of the area to be rezoned. Failure to give mailed notice as required by this section or any defect in the notice given shall not invalidate any action of the planning commission or council, provided that a bona fide attempt to comply with this section has been made.

- (c) **Sign notice** means a sign with minimum dimensions of 24 in. by 30 in. posted as close as reasonably possible to each street frontage on the applicant's property with the text between 3 and 5 ft. above grade level, with a title line reading "Zoning Notice" in letters at least 3 in. tall, and with the remainder of the text in letters at least 1/2 in. tall. Each sign must be posted at least two weeks before the date of the public hearing, and must remain in place and legible through the date of the public hearing as shown on the sign. If the sign will not be legible at the stated height due to snow accumulations it may be placed higher, but at the lowest elevation that will be legible to the public. If snow obscures the sign during the posting period, the snow shall be removed and/or the sign shall be relocated so as to be legible within 24 hours after snowfall ends. Evidence produced at or before the public hearing that one or more of the required signs were not in place or legible throughout that period shall be grounds for postponement of the public hearing and a requirement to repost the property. Required signs may not be posted in any portion of the public right-of-way.

2. **Content of Notice**

Each required notice shall include the following information:

- (a) The name of the applicant;
- (b) The address of the property;
- (c) A narrative description of the project including the proposed land uses, size (in sq. ft.) and height (in ft. and stories) of any proposed buildings or building expansions;
- (d) The type of permit or approval being sought;
- (e) Contact information where additional information can be obtained from the applicant (which may be an address, telephone number, web site, or e-mail address or other electronic site or method);
- (f) Contact information for the assigned city staff member;
- (g) The date, time and place of the public hearing.

3. **Special Notice Provision for Appeals**

In the case of an appeal to the planning commission or council pursuant to Section 50-37.1.O, mailed notice shall be provided to any interested parties that were notified of the original application and the right to receive notice of any appeal, and who have notified the city in writing that they would like to receive notice of the appeal.

I. Public Hearings

- 1. Public hearings before the planning commission and public hearings before the council on matters related to this Chapter shall be conducted pursuant to rules and practices established by each of those bodies and in compliance with state law.
- 2. Attendance shall be open to the public.
- 3. All hearing and decision timeframes shall comply with MSA 15.99.

J. Review Criteria

1. The planning commission shall approve or recommend approval of an application if it makes a written finding that:
 - (a) The application is consistent with the adopted Comprehensive Land Use Plan, as that plan may have been amended after adoption;
 - (b) The application complies with all applicable requirements of this Chapter, as those requirements may have been varied through a variance approved pursuant to Section 50-37.9;
 - (c) The application complies with all additional approval criteria listed in Section 50-37.2 below.
2. If the planning commission determines that the criteria in subsection 1 have not been met, the commission shall deny or recommend denial of the application or approve it with conditions to bring the application into conformance with the above criteria.
3. The council is encouraged, but not required, to make decisions on applications under this Chapter pursuant to the criteria listed in subsection 1. In no case may the city's final action result in the approval of a use variance.
4. The applicant bears the burden of proof that an application complies with all applicable standards and criteria in this Chapter.

K. Conditions on Approval

1. As an alternative to denying an application, the building official and the land use supervisor are authorized to approve applications with conditions necessary to bring them into compliance with the requirements of this Chapter or with any previously approved district plan for the property.
2. As an alternative to denying an application, the planning commission is authorized to recommend or impose conditions on approvals that it determines are necessary to (a) bring the application into compliance with the requirements of this Chapter, the purposes of the zone district where the property is located or any previously approved district plan for the property, or (b) prevent or minimize adverse effects upon surrounding areas or upon public facilities and services.
3. All conditions imposed on approved applications shall be reasonably related to the anticipated impacts of the proposed development or land use and to the purposes of this Chapter.
4. In the case of decisions made by the planning commission or council, where mitigation of the impacts of a proposed plan or development requires an applicant to dedicate land or pay money to a public entity in an amount that is not calculated according to a formula applicable to a broad class of applicants, any condition imposed shall be roughly proportional both in nature and extent to the anticipated impacts of the proposed development, as shown through an individualized determination of impacts.
5. Any conditions on approved applications shall be listed in or attached to the approval document, and violation of any approved condition shall be a violation of this Chapter.

L. Administrative Adjustments

Where an application concerns development or redevelopment of a lot and the applicant demonstrates practical difficulty in designing the redevelopment to comply with all requirements of this Chapter, the land use supervisor is authorized to approve applications that diverge from the requirements of this Chapter in up to two of the following ways.

1. The front, side or rear setbacks of a new or modified structure are no more than 1 ft. smaller than the minimum setbacks required by this Chapter;
2. The height of a new or modified structure is no more than 2 ft. taller than the maximum required by this Chapter;
3. For properties where Section 50-24.2 requires more than 3 off-street parking spaces, and the property does not contain a single-family residential structure (regardless of the use of that structure) the site contains 1 less parking space than is required, or 1 more parking space than the maximum allowed in 50-24.4.
4. Handicap accessibility structures can encroach into the yard setbacks.
5. For properties where 50-21.2 requires improved street frontage, exceptions limiting the street improvement to no more than 50' in length may be granted if the Land Use Supervisor determines that further extension of the street is not anticipated due to topography, Comprehensive Land Use Plan, or utility availability.
6. For properties where 50-21.2 requires that not more than 30% of the rear yard be occupied by any one accessory structure, exceptions may be granted for an accessory structure to occupy up to 40% of the rear yard.
7. The area of a new or modified sign is no more than 10% larger than the maximum allowed by 50-27.

M. Modifications of Approvals

1. Application

An applicant who has received a permit or approval from the city pursuant to this Chapter may apply to modify that approval pursuant to this Section 50-37.1. An application for a modification shall be made to the building official, who shall determine whether it requests a minor or major modification pursuant to the criteria in subsections 2 or 3, as applicable.

2. Minor Modifications

Minor modifications are those that (a) relate to redevelopment of a single building on one or more existing platted lot(s), (b) qualify as administrative adjustments pursuant to subsection 50-37.1.L or (c) that the city determines are otherwise consistent with any district plan approved for the zone district where the property is located. Applications for minor modifications may be approved by the city if it determines that the applicant would have practical difficulties designing or constructing the project without the minor modification. However, the city may require that an application meeting the criteria for a minor modification be treated as an application for a major modification if it determines that the application raises a significant public controversy on which numerous parties other than the owner of the property may want to offer testimony.

3. Major Modifications

Major modifications are those that do not qualify as administrative adjustments pursuant to subsection 50-37.1.L or minor modifications pursuant to subsection 2 above. Applications for major modifications shall be treated as a new application

for an approval of the same type being modified. However, if the city determines that an application for modification is not consistent with a district plan applicable to the property, and that the inconsistency may materially and adversely affect other property owners subject to the same district plan, the city may require that the applicant obtain approval of a revised district plan instead of a major modification. In the case of a major modification involving a natural resources permit, the city may require additional reports and data necessary to evaluate the impacts of the modification.

N. Lapsing of Approvals

Some permits and approvals issued pursuant to this Chapter shall lapse and be of no further force or effect if the action approved in the permit or approval does not begin within a specific period of time, as listed below:

1. Approved preliminary plats for subdivision shall lapse unless a complete application for a final plat of at least 50% of the land covered by the preliminary plat is submitted within 5 years of the preliminary plat approval;
2. Approved final subdivision plats shall lapse unless the approved final plat is recorded with the register of deeds within 90 180 days after approval;
3. Approved vacations of streets shall lapse unless a plat showing the vacation is recorded with the office of the county recorder within 90 days after final approval;
4. Approved planning reviews, zoning permits, special use permits, interim use permits, concurrent use of street permits, sidewalk use permits and variances shall lapse if the project or activity authorized by the permit or variance is not begun within 1 year of the permit date. The building official may extend this period one time for a period of up to 1 year if the property owner presents a written request showing the reasons for the delay was outside the owner's control;
5. Erosion and Sediment Control Permits (ESCP) shall lapse one year after approval if all construction activities are not completed or the entire site is not fully stabilized with 70% successful establishment of vegetation. In case of a lapse of the ESCP, a new permit shall be obtained;
6. Approved building permits shall lapse 1 year after issuance unless construction has begun by that date.
7. The MS-4 Statement of Compliance and accompanying drainage report will be valid for 2 years from the date of approval. If permanent stormwater facilities (BMPs) are not fully constructed and operational within 2 years, and extension of 1 year may be granted if a written request is submitted and approved by the City Engineer. The written request should document the reasons for the extension and the current state of completion of the project.

O. Appeals

This section is intended to comply with the provisions of MSA 462.357 and MSA 360.068 as amended, and shall be interpreted to comply with those provisions wherever possible.

1. **General Provisions for Appeal to Planning Commission**
 - (a) Except as noted in subsection 2, any person aggrieved by, or any department of the city affected by, any decision of any city official engaged in the administration or enforcement of this Chapter may appeal that decision to the planning commission. The appeal must be filed within 10

days after the decision by filing with the building official a written notice of appeal addressed to the commission and specifying the grounds of the appeal.

- (b) If the appeal relates to a decision regarding the zoning of an airport or the Airport Overlay district, any person aggrieved by the decision, any taxpayer affected by the decision and any governing body of a municipality, county or airport zoning board, that believes the decision is an improper application of this Chapter as it concerns that governing body or board may appeal that decision to the airport board of adjustment. The appeal must be filed within 10 days after the decision by filing with the building official a written notice of appeal addressed to the board and specifying the grounds of the appeal. If the appellant is a person aggrieved or a taxpayer affected by the decision regarding the zoning of an airport or the Airport Overlay district, the applicant shall submit an appeal to the city clerk in the manner set forth in Minnesota Statutes 360.068, Subdivision 2. All appeals shall be pursuant to and consistent with the procedures in the Duluth International Airport Zoning Ordinance adopted by the city and four other jurisdictions, and in the event of an inconsistency between that Airport Zoning Ordinance and this Chapter, the provisions of the Airport Zoning Ordinance shall govern.
- (c) The building official shall promptly transmit to the commission, or to the airport board of adjustment, as applicable, the documents and records related to the decision being appealed.
- (d) A timely appeal shall stay all proceedings involved in the appeal; and no appeal shall be deemed to permit the appellant to do or to continue doing, directly or indirectly, any act or thing prohibited by the decision being appealed. However, if the building official notifies the planning commission in writing that a stay would cause imminent peril to life or property, and provides written reasons for that opinion, the planning commission may order that proceedings not be stayed pending appeal.
- (e) The commission shall fix a time for a hearing on the appeal, shall provide notice of the hearing pursuant to Section 50-37.1.H, and shall hold a public hearing pursuant to Section 50-37.1.I.
- (f) Any party may appear at the hearing in person, by agent or by attorney. Notice of the decision of the board shall be mailed to the appellant.
- (g) If the appeal alleges that the boundaries of a wetlands or shorelands area on the Natural Resources Overlay map in Section 50-18.1 are in error, the appellant shall bear the burden of proving the map erroneous by the production of clear and convincing technical evidence.

2. Exceptions

- (a) An appeal from any decision regarding the interpretation or application of sign regulations in subsections 50-27.1.I No Safety Obstructions, 50-27.1.L Attachment to Buildings, 50-27.1.M Wind Pressure Design, 50-27.1.N Electrical Wiring, or 50-27.1.O Certification of Structural Engineer must be taken to the state building official as provided in the State Building Code.
- (b) An appeal from a decision regarding a building permit must be taken to the building appeals board created in Article IV of Chapter 10 of the code or to the state building official.
- (c) An appeal from any decision under the housing code provisions in Section 50-32 of this Chapter must be taken to the building appeals board.

- (d) If an applicant believes that the decision of staff regarding compliance with the requirements of the SP-O zone district is incorrect or deprives the applicant of the reasonable use of his or her property, or is unreasonable given the size and shape of the property and its orientation to the protected views, the applicant may request review of the decision by the planning commission. The planning commission's review shall be based on the purpose and standards of this section, but may authorize variations to those standards, in accordance with the procedures in Article 5 of this Chapter, if unusual site conditions not generally shared along Skyline Parkway make compliance with the standards unreasonable or ineffective to protect the intended views of Lake Superior, the St Louis River and the harbor.

3. Powers of Planning Commission on Appeal

- (a) The planning commission shall consider the record of the application and any testimony presented at the hearing regarding the application of this Chapter to the application and shall affirm, modify or reverse the decision appealed, and may make any orders, requirements, decisions or determinations that the building official or land use supervisor could have made regarding the application.
- (b) In hearing permitted appeals of decisions regarding the sign regulations in Section 50-27, the planning commission shall have only the power to affirm, reverse or modify the decision of the building official.
- (c) In the case of an appeal regarding the application of the NR-O Natural Resources Overlay district, no relief shall be granted that violates the limitations on variances applicable to that district.
- (d) The decision of the planning commission shall be final unless a further appeal is filed pursuant to subsection 4 below.

4. Appeals of Planning Commission Decisions to Council

- (a) Except as provided in subsection 5 below, any person aggrieved by, or any department of the city affected by, any decision of the planning commission on an appeal pursuant to subsection 1 above may appeal that decision to the council.
- (b) Any appeal must be filed within 10 days after the planning commission's decision by filing with the city clerk a written notice of appeal addressed to the council and specifying the grounds for the additional appeal.
- (c) The filing of a notice of appeal shall stay all proceedings in furtherance of the decision appealed from. However, if the building official notifies the council in writing that a stay would cause imminent peril to life or property, and provides written reasons for that opinion, the council may order that proceedings not be stayed pending appeal.
- (d) The council shall hear the appeal at the next scheduled meeting with time available, and may affirm, modify or reverse the board's decision, and may make any orders, requirements, decisions, or determinations it deems appropriate regarding the appeal.
- (e) No decision on an appeal or variance shall have the effect of allowing a use that is not a permitted or special use in the zone district where the property is located.
- (f) If the appeal is regarding an application in any district where the approval of a district plan is required or requested prior to development, the council shall only approve development plans if it finds that the requirements for the district plan in that district will be satisfied.

5. **Appeal of Planning Commission Decisions to the Courts**

- (a) In the case of an appeal regarding the zoning of an airport or an Airport Overlay district, the appeal shall proceed pursuant to applicable state law and shall be perfected within 60 days after the decision appealed from is filed in the office of the planning commission.
- (b) In case of decisions appealable to the district court pursuant to MSA 462.361, the appeal shall be perfected in 60 days after the decision appealed from is filed in the office of the planning commission.
- (c) All other appeals not otherwise provided for above shall be pursuant to MSA 606.01.

6. **Appeals of Historic Preservation Commission Decisions to Council**

- (a) Where applicable, Section of 50-37.1.O.4 shall apply of historic commission decisions, when appealable to City Council

P. Security for Improvements

- 1. If the provisions of this Chapter or conditions attached to a permit or approval under this Chapter require the applicant to construct or make improvements to the property, to protect the city or adjacent property owners from injury or damage, or to return the property to a stated condition following the completion of operations or construction, and those actions have not been completed, then the city shall require the applicant to post security to ensure that those improvements are made in a timely manner, and that if the applicant fails to make those improvements the city will have adequate funds on hand to complete the improvements at the applicant's expense.
- 2. Security shall be posted in a form acceptable to the city, which may include but are not limited to cash, a promissory note, a letter of credit issued by a financial institution acceptable to the city, or a performance bond issued by a financial institution acceptable to the city. The security shall be in an amount equal to 110% of the estimated cost for the city to complete the improvements.
- 3. The city shall release posted financial security upon confirmation by the building official that the required improvements have been constructed in accordance with all applicable design and construction standards. In the case of any improvements to be dedicated to the city, the city shall release posted financial security upon acceptance of the improvements by the city. At the discretion of the building official, partial releases of financial security may be made after construction or dedication of some but not all of the required improvements, but financial security equal to 110% of the estimated cost of for the city to complete the improvements shall be retained.
- 4. As an alternative to requiring the posting of financial security, the city may authorize the issuance of a temporary certificate of occupancy for the property, provided that the applicant signs a development agreement with the city agreeing to pay the city a specific financial penalty per month if the required improvements are not constructed by a certain date. The amount of the penalty shall be calculated so that if the applicant does not construct the improvements within one year after the required date the penalties will equal at least 110% of the estimated cost for the city to complete the improvements.

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- (b) Is consistent with the terms and provisions of the preliminary plat approval for the property;
- (c) Demonstrates that all required improvements have been installed or that (a) the applicant has signed a development agreement committing to construct those improvements within 1 year after approval of the final plat and (b) adequate security for the construction of the required improvements has been posted with the city pursuant to Section 50-37.1.P.

3. Final Plat Recording

After the final plat is approved, it must be recorded in the office of the county recorder as provided in MSA 505.04. A final plat that is not recorded within 90 days after approval will lapse and may not be recorded. After the final plat has been recorded, lots may be sold and building permits for structures on the platted lots may be issued; any sales of lots shown on the final plat before recording of the final plat shall be a violation of this Chapter.

D. Improvements

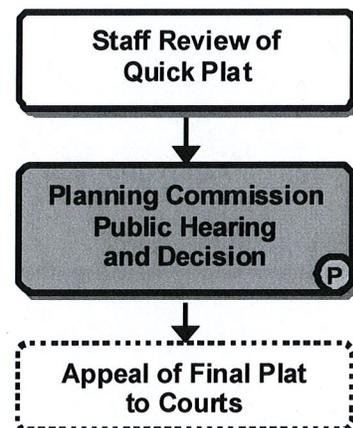
The applicant shall be required to complete the following improvements related to a new subdivision, at the applicant's cost, unless (i) the planning commission waives or amends these requirements as part of a subdivision preliminary plat approval, or (ii) the subdivision is within an area covered by an approved district plan that does not require the improvements. All required improvements shall be designed and constructed to standards approved by the city. The city may, at its discretion, require that some or all of the requirements be dedicated to the city, and if those improvements are dedicated the applicant shall be relieved of responsibility to maintain the dedicated improvements:

1. Streets allowing access to and among the platted lots and connecting each platted lot to the public street system. All streets shall be open to the public unless the planning commission waives this requirement;
2. Curbs, gutters, sidewalks and street lighting, except in the case of the R-C, RR-1 and RR-2 districts;
3. Water, gas, sanitary sewer and storm drainage improvements meeting all applicable requirements of the city or the applicable service provider.

E. Quick Plat / Registered Land Survey

Applications to: (1) divide a parcel or tract of land that has not been previously subdivided into 3 or fewer lots for sale or development, (2) approve a Registered Land Survey (RLS) pursuant to MSA Chapter 508 for a parcel or tract of land that has not been previously subdivided and that will contain 3 or fewer parcels for sale or development, and (3) applications to combine two or more previously platted lots into a smaller number of platted lots shall be processed under this quick plat process. Applications to: (1) divide a parcel or tract of land that has not been previously subdivided within the last 5 years into 3 or fewer lots for sale or development, and (2) applications to combine two or more previously platted lots into a smaller number of platted lots shall be processed under this quick plat process. This process shall apply for any division of land meeting the above criteria,

Quick Plat Approval



(P) Indicates Public Hearing Required

including subdivisions pursuant to MSA Chapter 505 and Registered Land Surveys pursuant to Chapter 508. A Registered Land Survey that is used to convert land from Abstract to Torrens without any division or combining of parcels does not need subdivision approval under this section. Public right of way and street easements may not be dedicated through the quick plat process.

1. No concept plan or preliminary plat shall be required. The applicant shall file a plat meeting all of the requirements for a final plat pursuant to MSA Chapter 505, or meeting all of the requirements for a RLS pursuant to MSA Chapter 508, as applicable.
2. The planning commission shall approve, adopt with modifications or deny the application based on the criteria in subsection 3 below. The planning commission may refer the application to any city, county or other public or quasi-public agency deemed necessary to confirm whether the criteria in subsection 3 below have been met.
3. The planning commission shall approve the application, or approve it with modifications, if it determines that the application:
 - (a) Is consistent with all provisions of MSA 462.358 and 505 or 508, as applicable;
 - (b) Each resulting lot or parcel meets all of the dimensional requirements for the zone district in which the property is located;
 - (c) Each resulting lot or parcel has access to a public street.
4. After approval, the quick plat or RLS must be recorded in the office of the county recorder as provided in MSA 505.04. If not recorded within 90 180 days after approval, the approval will lapse and the quick plat or RLS may not be recorded. After recording, lots may be sold and building permits may be issued; any sales of lots before recording shall be a violation of this Chapter.

F Boundary Line Adjustments

1. An applicant may file an application to relocate the boundary line between up to three previously platted lots without the need to obtain subdivision approval if the proposed relocation will not result in the creation of an additional developable lot.
2. The land use supervisor shall approve the application, or approve it with modifications, if it is determined that the application:
 - (a) Will not result in the creation of any new developable lots;
 - (b) If each of the existing lots and the structures on those lots complies with the requirements of this Chapter, then after the adjustment each of the resulting lots will still comply with the requirements of this Chapter;
 - (c) If one or more of the existing lots, or a structure on one or more of those lots, does not comply with the requirements of this Chapter, the proposed relocation will not create any new nonconformity or increase any existing nonconformity between the requirements of this Chapter and any of the lots or any of the structures on the lots whose boundaries are to be adjusted.
3. After the application is approved, the applicant must prepare a survey or similar recordable exhibit reflecting the relocated boundaries, obtain the land use supervisor's signature on that survey or exhibit, and record the survey or exhibit in the county register of deeds. If the survey or exhibit is not recorded within 90 days after the boundary line approval, that approval will lapse and the survey may not be recorded.

G Property Transfers

Pursuant to Minnesota Statute 272.162, the St. Louis County Auditor shall not transfer or divide land in official records of the County and shall not certify a deed or other instrument of conveyance as provided in Minnesota Statute 272.12 until said transfer and parcel have been reviewed by the City of Duluth to determine if the transfer is appropriate and conforms with existing city ordinances and regulations if:

1. The land conveyed is less than a whole parcel of land as charged in the tax lists;
2. The part conveyed appears within the area of application of municipal subdivision regulations adopted and filed under Minnesota Statute 462.36, subdivision 1; and
3. The part conveyed is part of or constitutes a subdivision as defined in Minnesota Statute 462.352, subdivision 12.

50-37.9 Variance

This section applies to applications for a variance from the terms and provisions of this Chapter. Different types of variances are subject to differing criteria for approval, and in many cases are also subject to limitations on the types of variances that can be granted.

A. Application

An application for a variance shall be filed pursuant to Section 50-37.1.B.

B. Procedure

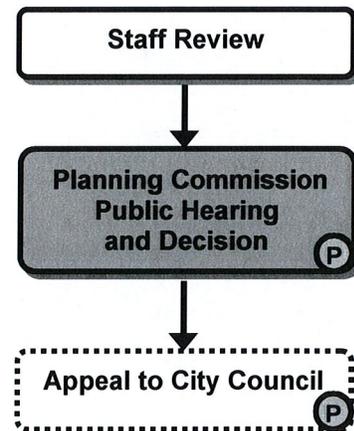
The planning commission shall review the application, conduct a public hearing on the application pursuant to Section 50-37.1.I, with public notice as required by Section 50-37.1.H, and shall make a decision on the application based on the criteria in subsections 50-37.9.C through M below, as applicable to the specific type of variance being requested. The planning commission may grant a different variance or different form of relief than that requested by the applicant if it determines that the alternative relief better meets the criteria in subsections C through M below. The commission may impose appropriate conditions and safeguards to protect adjacent properties and the public interest, including but not limited to financial security pursuant to Section 50-37.1.P or a development agreement regarding the design, construction and operation of the project, to protect the Comprehensive Land Use Plan, to conserve and protect property and property values in the neighborhood and to ensure that all conditions of the variance will continue to be met. Constructing any improvement or beginning any activity authorized by the variance shall constitute the applicant's agreement to conform to all terms and conditions of the permit.

C. General Variance Criteria

Unless different or inconsistent criteria or limitations are stated in subsections 50-37.9.D through M below for the specific type of variance being requested, the planning commission shall approve an application for a variance, or approve it with conditions, if it finds that the proposed variance meets the following criteria. If there is a direct conflict between a provision or criteria in subsections D through M below and the general criteria in this subsection C, the provisions in subsections D through M shall govern:

1. Because of the exceptional narrowness, shallowness or shape of the applicant's property, or because of exceptional topographic or other conditions related to the property, the strict application of the requirements of this Chapter would result in peculiar and practical difficulties or exceptional or undue hardship to the property owner;
2. The special circumstances or conditions that create the need for relief were not directly or indirectly created by the action or inaction of the property owner or applicant;

Variance



(P) Indicates Public Hearing Required

3. The special circumstances or conditions applying to the building or land in question are peculiar to such property or immediately adjoining property, and do not apply generally to other land or buildings in the vicinity;
4. The relief is necessary for the preservation and enjoyment of a substantial property right and not merely to serve as a convenience to the applicant;
5. The relief will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets or the danger of fire or imperil the public safety or unreasonably diminish or impair established property values within the surrounding areas or in any other respect impair the health, safety or public welfare of the inhabitants of the city;
6. The relief may be granted without substantially impairing the intent of this Chapter and the official zoning map;
7. The relief does not allow any type of sign that is not allowed in the zone district where the property is located, pursuant to Section 50-27;
8. The relief complies with any additional limitations or criteria applicable to that variance in subsections D through M below.

D. No Use Variances

No variance may be permitted to allow any use that is not listed in Table 50-19.8 as a permitted or special use in the zone district where the property is located.

E. Variances to Lot Size in Unsewered Areas

A variance from the minimum lot size in unsewered area shall not be granted without presentation of a permit or letter of intent to issue a permit for onsite sewerage treatment from the county.

F. Variances for Two-Family Dwellings in the R-1 District

The commission shall not grant any variance from the requirements for the allowance of two-family dwellings within the R-1 zone district except:

1. A variance from the required front yard setback;
2. A variance reducing the minimum dimensional requirements by up to 10%.

G. Variances From Parking and Loading Regulations

1. Residential Districts

- (a) A variance may be granted to allow parking on a portion of a lot in an R zone where parking is not permitted by Section 50-24.6.B in the following two cases:
 - (i) On any non-corner lot in an R district where the permitted parking area as shown in Table 50-24-3 is of insufficient size or configuration to allow for compliance with the off street parking requirements of this Chapter, and the applicant demonstrates hardship;
 - (ii) On any corner lot in an R district where the R district parking area is of insufficient size or configuration to allow for compliance with the off street parking requirements of this Chapter, without a showing of hardship.
- (b) The variance shall be subject to the following conditions, and any other conditions determined by the commission to be reasonable and necessary to

protect the interests of the abutting property owners and the residential character of the surrounding neighborhood:

- (i) On a non-corner lot with frontage of less than 50 ft., only one parking area may be located outside the R district parking area;
- (ii) On a corner lot with frontage of less than 50 ft., the variance may allow for compliance with the off street parking requirements of this Chapter;
- (iii) On a corner or non-corner lot with frontage of 50 ft. or greater, no variance may allow a parking area, including any driveway area leading to it, to exceed an additional 30% of the front yard;
- (iv) The proposed parking area shall be entirely located on the applicant's lot and shall not encroach across any abutting lot line unless such abutting lot and the subject lot are under the same ownership and the abutting lot is not occupied by a dwelling unit;
- (v) Where the proposed parking area will encroach into any unimproved area of a street, the variance shall expire upon improvement of the street;
- (vi) Economic considerations, in whole or part, shall not constitute a hardship.

2. Reducing Required Parking Spaces

Except as provided in 50-37.9.G, variances from the minimum amount of off-street parking required may be approved if a smaller amount of off-site parking will be adequate to meet the needs of the facility because the facility is restricted to occupancy or use by populations with documented lower vehicle uses, such as the elderly or disabled.

3. Exceeding Required Parking Spaces

Variances from the maximum parking limits provided in 50-24.4 shall not exceed 175% of the minimum requirement provided in Table 50-24.1

H. Variances to Reduce Setbacks

When the application is for the reduction of a required front, rear or side yard setback, the commission may require the submission of a landscaping and buffering plan, and may require that all required landscaping or buffering, or landscaping and buffering of equal effectiveness, be installed within the reduced setback area. Decorative fencing and decorative wall structures may be proposed where more intense vegetated landscaping will not provide adequate mitigation of impacts on adjacent properties. The commission shall only approve the variance if the landscaping and buffering will mitigate impacts on adjacent properties as effectively as those required by Sections 50-25 and 50-26 of this Chapter.

I. Variances in the MU-C District

1. Within the MU-C district, the only variances that may be approved are variations in any dimensional standard in Sections 50-15.3 and 50-21 by no more than 10%. However, if the need for a variance is the result of a government taking pursuant to eminent domain powers, then (a) the limits of this subsection I.1 shall not apply and (b) all or part of the required landscaping and buffering may be placed in the public right-of-way if the property owner executes a perpetual maintenance agreement with the owner of the right-of-way.
2. In the case of a setback reduction variance, the landscaping and buffering in any reduced setback area shall be at least four ft. in height and screen out at least

50% of the view of any parking area, unless the setback is reduced to less than 5 ft., in which case it shall screen out at least 75% of the view of the parking area.

J. Variances in A-O Airport Overlay District

Variances shall be pursuant to and consistent with the procedures in the Duluth International Airport Zoning Ordinance adopted by the city and four other jurisdictions, and in the event of an inconsistency between that Airport Zoning Ordinance and this Chapter, the provisions of the Airport Zoning Ordinance shall govern.

K. Variances from Flood Plain Regulations

Variances to the flood plain regulations in Section 50-18.1.C shall only be granted in compliance with the limitations in this subsection K.

1. **In a floodway:**
 - (a) No variance shall be granted that would result in any increase in flood levels during the base flood discharge;
 - (b) No variance shall authorize the placement of a manufactured home, dwelling unit or any structure designed for human habitation;
 - (c) No variance shall be granted authorizing a lesser degree of floodproofing or flood protection than is required by Section 50-18.1.C;
 - (d) Variances shall be limited to giving the applicant a minimal reasonable use of the site.
2. **In a flood fringe:**
 - (a) No variance shall authorize a lesser degree of floodproofing or flood protection than is required by Section 50-18.1.C;
 - (b) Variances shall not produce any adverse effects to the flood capacity or efficiency of the watercourse.
3. **Flood insurance notice and recordkeeping**

The building official shall notify the applicant for a variance that:

 - (a) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage;
 - (b) Construction below the 100 year or regional flood level increases risks to life and property. Such copy notification shall be maintained with a record of all variance actions. The building official shall maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its annual or biennial report submitted to the administrator of the national flood insurance program.
4. **General considerations**

The city shall consider the following factors in granting variances and imposing conditions on permits and variances in flood plains:

 - (a) The potential danger to life and property due to increased flood heights or velocities caused by encroachments;
 - (b) The danger that materials may be swept onto other lands or downstream to the injury of others;
 - (c) The proposed water supply and sanitation systems, if any, and the ability of these systems to minimize the potential for disease, contamination and unsanitary conditions;

- (d) The susceptibility of any proposed use and its contents to flood damage and the effect of such damage on the individual owner;
- (e) The importance of the services to be provided by the proposed use to the community;
- (f) The requirements of the facility for a waterfront location;
- (g) The availability of viable alternative locations for the proposed use that are not subject to flooding;
- (h) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future;
- (i) The relationship of the proposed use to the Comprehensive Land Use Plan and flood plain management program for the area;
- (j) The safety of access to the property in times of flood for ordinary and emergency vehicles;
- (k) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site.

L. Standards for Variances in Shorelands

No variance shall be granted that compromises the general purposes or intent of Section 50-18.1.D or results in adverse consequences to the environment. Variances shall include a requirement for the applicant to mitigate the impacts of the variance on shoreland areas.

M. Reconstruction of a Non-Conforming Building

A variance may be granted to permit the reconstruction of a nonconforming building that has been damaged from any cause or has deteriorated to the extent of more than 50% 60% of its reconstruction value assessed market value as determined by the City Assessor, if the commission determines that it is necessary for the preservation and enjoyment of a substantial property right and is not detrimental to the public welfare of the city.

2. Any alteration or addition to a nonconforming structure or use that would result in increasing the flood damage potential of that structure or use shall be floodproofed in accordance with the State Building Code. Alterations or additions that equal or exceed 50% of the market value of the structure shall meet the specific flood protection standards in Section 50-18.1.C. No alteration or addition that would obstruct flood flow or raise regional flood elevation shall be permitted;
3. If any nonconforming use is destroyed by any means, including floods, to an extent of 50% or more of its market value, it shall not be reconstructed except in conformity with the provisions of Section 50-18.1.C;
4. If any nonconforming structure is destroyed or damaged in any part, the structure may be repaired or replaced so long as it is not expanded or enlarged from the size of the structure prior to its destruction and so long as any such activity that occurs within a flood plain will provide for adequate protection of the portion of the structure being repaired or replaced to flood protection elevations where applicable and will not result in any increase in flood levels during the occurrence of the base flood discharge;
5. Any existing well or private sanitary sewer septic system may be repaired and maintained in accordance with standards prescribed by the appropriate state or county agencies;
6. The provisions of this Section 50-38 do not permit any use, repair, replacement, maintenance, improvement or expansion of any nonconformity that would make the city ineligible to participate in the National Flood Insurance Program or would increase flood damage potential or increase the degree of obstruction to flood flows in the floodway.

50-38.3 Nonconforming Buildings

- A. A nonconforming building may continue to be used, and may be expanded provided that the expansion does not increase or extend any nonconformity horizontally or vertically. All additions must comply with the dimensional requirements in Article 2 and Section 50-21 or 50-22, as applicable, and the parking requirements of Section 50-24 must be satisfied for the expansion area.
- B. A nonconforming building that has been damaged from any cause or has deteriorated to the extent of more than 50% 60% or more of its reconstruction assessed market value at the time of the damage shall not be restored, except in conformity with this Chapter, unless the owner obtains a variance pursuant to Section 50-37.9. When damaged by less than 50% 60% of its reconstruction assessed market value as determined by the City Assessor, a nonconforming building may be repaired or reconstructed, provided that a building permit is applied for within 180 days and such repairs or reconstruction are completed within 1 year of the date of the damage.

50-38.4 Nonconforming Uses of Buildings and Land

- A. Any building existing on July 14, 1958, or existing on the date of the adoption of a city ordinance making it nonconforming, may continue to be used for the purposes it was used when it became nonconforming, even though that use does not conform to this Chapter, but may not be expanded or changed in a way that would increase any nonconformity.
- B. The nonconforming use of a building may be extended throughout those parts of the building that were clearly arranged or designed for such use on the date the building became nonconforming.